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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

ENTIRE EXECUTIVE CIVIL SERVICE

Effective upon publication in the FEDERAL REGISTER, paragraph (k) of § 6.101 is amended to read as follows:

§ 6.101 *Entire Executive Civil Service* * * *

(k) NC/PD. Temporary, part-time, or intermittent employments of mechanics, skilled laborers, and tradesmen on construction or repair work in places where there is no local board of examiners of the Civil Service Commission for the employing establishment, when, in the opinion of the Commission, appointment through competitive examination is impracticable. Appointments under this provision shall not extend beyond one year, and the employment thereunder shall not exceed 180 working days within any one period of twelve months. Seasonal employments of a recurring nature are not authorized under this paragraph.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 50-9881; Filed, Nov. 6, 1950; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[Quarantine 37, Rev.]

PART 319—FOREIGN QUARANTINE NOTICES

SUBPART—NURSERY STOCK, PLANT, AND SEED

On July 13, 1950, there was published in the FEDERAL REGISTER (15 F. R. 4443), a notice of proposed rule making concerning amendments of notice of quarantine No. 37 and supplementary regulations, as amended (7 CFR and 1949 Supp. 319.37 through 319.37-25, as amended 15 F. R. 1585, 2100). Pursuant to the authority vested in the Secretary of Agriculture by sections 1, 5, and 7 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. and Supp. III 154, 159, 160) and section 3 of the Insect Pest Act of March 3, 1905 (7 U. S. C. 143), and after public hearing and due consideration of all relevant matters presented thereat or pursuant to the aforesaid notice, said quarantine and regulations are hereby further amended to read as follows:

Sec.
319.37 Notice of quarantine.
319.37-1 Definitions.
319.37-2 Restricted plant material enterable without individual permits.
319.37-3 Bulbs.
319.37-4 Seeds.
319.37-5 Restricted plant material from Canada.
319.37-6 Restricted plant material generally.
319.37-7 Costs and charges.
319.37-8 Inspection; freedom from plant pests.
319.37-9 Treatment.
319.37-10 Importation by mail.
319.37-11 Notice of arrival.
319.37-12 Applications for and issuance of permits.
319.37-13 Certification.
319.37-14 Marking of containers.
319.37-15 Freedom from soil.
319.37-16 Approved packing materials.
319.37-17 Prohibited plant material accompanying restricted plant material.
319.37-18 Size-age limitations.
319.37-19 Postentry quarantine.
319.37-20 Plant material refused entry.
319.37-21 Ports of entry.
319.37-22 Importations for exportation and importations for transportation and exportation.
319.37-23 Importations by the Department of Agriculture.
319.37-24 Cooperation with States.
319.37-25 Insects imported for scientific and educational purposes.
319.37-26 Appendix A—Lists of ports at which inspectors are located.
319.37-27 Prohibited or restricted entry of plant material for propagation.

AUTHORITY: §§ 319.37 to 319.37-27 issued under sec. 3, 33 Stat. 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 143, 162.

§ 319.37 *Notice of quarantine.* (a) Under the authority conferred by section 5 of the Plant Quarantine Act (7 U. S. C. 159) and having given the public hearing required thereunder, the Secretary of Agriculture hereby determines that the

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

unrestricted importation from any foreign country or locality, of field-grown florists' stock, trees, shrubs, vines, cuttings, grafts, scions, or buds, or fruit pits or other seeds of forest, fruit, or ornamental trees or shrubs; or bedding plants; or other herbaceous plants, bulbs, or roots, or field, vegetable, or flower seeds; or other plants or plant products for, or capable of, propagation may result in the entry into the United States (including the District of Columbia) and its Territories, of injurious plant diseases and insect pests. Hereafter all such nursery stock, and other plants and plant products, except those

designated in paragraph (b) of this section, shall be subject to all the provisions of sections 1 through 4 of the Plant Quarantine Act (7 U. S. C. and Supp. III 154, 156, 157, 158) and shall not be imported into the United States (including the District of Columbia) or its Territories, except as provided in the regulations supplemental to this section: *Provided*, That whenever the Chief of the Bureau of Entomology and Plant Quarantine shall find that existing conditions as to the pest risk involved in the importation of any of the above-designated nursery stock, other plants or plant products to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such findings in administrative instructions, specifying the manner in which the regulations should be made less stringent, whereupon such modification shall become effective: *Provided further*, That this quarantine shall not apply to nursery stock or other plants or seeds covered by special quarantines or other restrictive orders now in force or which may later be promulgated.

(b) Under the authority conferred by section 7 of the Plant Quarantine Act (7 U. S. C. 160) and having given the public hearing required thereunder, the Secretary of Agriculture hereby determines that, in order to prevent the introduction into the United States of certain tree, plant and fruit diseases, and injurious insects, new to or not heretofore widely prevalent or distributed within and throughout the United States, it is necessary to prohibit, and he hereby does prohibit, the importation into the United States, except by the United States Department of Agriculture for experimental or scientific purposes, of the following nursery stock and other plants and plant products from the foreign countries and localities hereinafter designated, because of the injurious insects or diseases therewith listed:

Plant material[1]	Foreign country or countries from which prohibited	Injurious insect or plant disease determined as existing in the country or countries named and capable of being transported in the prohibited plant material.
Abies spp.	All foreign countries except Canada.	50 or more species of rusts. Phomopsis pseudotsugae Wilson (Douglas fir canker). Chrysomyxa abietis (Wallr.) Ung. (a rust causing a serious needle disease).
Acacia spp.	Australia and Oceania	Uromycladium tepperianum (Sacc.) McAlp. (Rust).
Acer spp.	Japan	Xanthomonas acernea (Ogawa) Burk (leaf disease).
	Bulgaria, England, France, Germany and Japan.	Maple-variegation virus.
Aesculus spp.	Czechoslovakia, England and Germany.	Horsechestnut-variegation virus.
Aleurites spp.	China and Brazil	Mycosphaerella aleuritidis (Miyake) Ou (Leaf spot).
Althaea spp.	India	Hollyhock yellow-vein mosaic virus.
	Africa	Ruga gossypii (Cotton leaf-curl virus).
Anemone spp.	Germany	Galls anemones Holmes (Anemone-Allolophyllv virus).
Berberis spp. (plants of all species and horticultural varieties not designated as resistant to black stem rust in accordance with 7 CFR 1949 Supp. 301.38-5 or amendments thereof).	All foreign countries	Puccinia graminis Pers. (Black-stem rust).
Berberis spp. (plants of all species and horticultural varieties designated as resistant to black stem rust in accordance with 7 CFR 1949 Supp. 301.38-5 or amendments thereof).	All foreign countries when destined to the eradication states designated in 7 CFR 1949 Supp. 301.38-3 or amendments thereof.	Puccinia graminis Pers. (Black-stem rust).
Berberis spp. seed	All foreign countries	Puccinia graminis Pers. (Black-stem rust).
Castanea spp.	All foreign countries when destined to California, Idaho, Oregon or Washington.	Endothia parasitica (Murr.) Ander. and Ander. (Chestnut bark disease).
Castanopsis spp.	All foreign countries when destined to California, Idaho, Oregon or Washington.	Endothia parasitica (Murr.) Ander. and Ander. (Chestnut bark disease).
Cedrus spp.	Europe	Phomopsis pseudotsugae Wilson (Douglas fir canker). Fusarium fuliginosporum Sibilia (Seedling disease).
Corylus spp.	Canadian provinces east of Manitoba, when destined to California, Oregon, or Washton.	Cryptosporella anomala (Pk.) Sacc. (Filbert blight).
Cytisus spp.	Bulgaria, England, and Germany.	Marmor laburni Holmes (Laburnum-mosaic virus).
Daphne spp.	New Zealand	Daphne mosaic virus.
Datura spp.	India	Datura-mosaic virus.
	England	Datura virus 1 Smith and d'Oliveira (Datura-Virosis virus). Marmor tabaci var. deformens Holmes (Exaton-mosaic strain of tobacco-mosaic virus).
Dianthus spp.	England	Verticillium cinerescens Wr.
Eucalyptus spp.	Argentina	Leaf chlorosis virus.
	Ceylon, Europe and Uruguay	Pestalotia disseminata Thuem. (Parasitic leaf fungus).
Euonymus spp.	Germany	Marmor euonymi Holmes (Euonymus-mosaic virus).
Fraxinus spp.	Europe	Pseudomonas savastanoi var. fraxini (Brown) Dowson (Canker and dwarfing disease of ash).
Fruit and Nut Stocks except stocks imported for the vegetative propagation of the stocks themselves.	All foreign countries except Canada.	A diversity of plant pests.
Gladiolus spp.	Africa	Puccinia mcleanii Doidge Uredo gladioli-buettneri Bub. Uromyces gladioli P. Henn. U. nyikensis Syd. U. transvermalis (Thuem.) Wint. (Rusts).
Gossypium spp.	All foreign countries	Ruga gossypii Holmes (Cotton leaf-curl virus).
Hibiscus spp.	India	Yellow-mosaic virus of okra.
	Sudan and Nigeria	Ruga gossypii Holmes (Cotton leaf curl virus).
	Trinidad	Mosaic-disease virus of okra.
Hydrangea spp.	Germany	Hydrangea-virescence virus.
Ilex spp.	England and France	Ilex-variegation virus.
Jasminum spp.	Belgium, England and Germany.	Jasmine-variegation virus.
Juniperus spp.	Finland and Rumania	Exosporium deflectens Karst. (needle-cast disease).
Laburnum spp.	Bulgaria, England, and Germany.	Marmor laburni Holmes (Laburnum-mosaic virus).
Larix spp.	Europe	Phomopsis pseudotsugae Wilson (Douglas fir canker).
Ligustrum spp.	Germany	Marmor ligustri Holmes (Ligustrum-mosaic virus).
Mahoberberis spp. (plants of all species and horticultural varieties not designated as resistant to black stem rust in accordance with 7 CFR 1949 Supp. 301.38-5 or amendments thereof).	All foreign countries	Puccinia graminis Pers. (Black-stem rust).
Mahoberberis spp. (plants of all species and horticultural varieties designated as resistant to black stem rust in accordance with 7 CFR 1949 Supp. 301.38-5 or amendments thereof).	All foreign countries when destined to the eradication states designated in 7 CFR 1949 Supp. 301.38-3 or amendments thereof.	Puccinia graminis Pers. (Black-stem rust).
Mahoberberis spp. seed	All foreign countries	Puccinia graminis Pers. (Black-stem rust).
Mahonia spp. (plants of all species and horticultural varieties not designated as resistant to black stem rust in accordance with 7 CFR 1949 Supp. 301.38-5 or amendments thereof).	All foreign countries	Puccinia graminis Pers. (Black-stem rust).
Mahonia spp. (plants of all species and horticultural varieties designated as resistant to black stem rust in accordance with 7 CFR 1949 Supp. 301.38-5 or amendments thereof).	All foreign countries when destined to the eradication states designated in 7 CFR 1949 Supp. 301.38-3 or amendments thereof.	Puccinia graminis Pers. (Black-stem rust).

[1] The term "spp.", as used after a generic name in this subpart, includes all species, varieties, and hybrids of the genus. Unless otherwise specifically indicated, all items of plant material appearing in this subpart refer to the plants as well as all vegetative parts thereof, including buds, cuttings, scions, and layers, but seeds are not included unless specifically mentioned.

Plant material[1]	Foreign country or countries from which prohibited	Injurious insect or plant disease determined as existing in the country or countries named and capable of being transported in the prohibited plant material
Mahonia spp. seed	All foreign countries	Puccinia graminis Pers.
Malus spp. (except stocks for vegetative propagation of stocks).	Austria	Diaporthe mali Bres. (Leaf, branch and fruit fungus).
	China	Valsa mali Miyabe and Yamada ex M. Miura (Branch canker fungus).
	Europe	Monilinia fructigena (Aderh. and Ruhl.) Honey (Brown rot of fruit).
	Japan	Monilinia fructigena (Aderh. and Ruhl.) Honey (Brown rot of fruit). Valsa mali Miyabe and Yamada ex M. Miura (Branch canker fungus).
	Korea	Physalospora piricola Nose (Leaf, branch and fruit fungus).
	Manchuria	Monilinia fructigena (Aderh. and Ruhl.) Honey (Brown rot of fruit).
Malus spp.	South Africa	Monilinia fructigena (Aderh. and Ruhl.) Honey (Brown rot of fruit). Mottle leaf or mosaic chlorosis of apple (Virus).
Mangifera spp., seeds	All foreign countries except those in the Western Hemisphere.	Sternochetus mangiferae F. (Mango weevil).
Morus spp.	China and Japan	Mulberry mosaic virus.
Nicotiana spp.	Australia and Great Britain	Marmor lethale Holmes (Tobacco-necrosis virus).
Nut and fruit stocks	(See Fruit and Nut Stocks.)	
Pelargonium spp. (except stem cuttings)	All foreign countries except Canada.	Marmor lethale Holmes (Tobacco-necrosis virus).
Picea spp.	Europe, Japan and Siberia	Chrysomyxa rhododendri (DC) D By. (Rust causing a serious needle disease).
	Europe	Phomopsis pseudotsugae Wilson (Douglas fir canker).
Pinus spp. (2- or 3-leaved)	Europe and Japan	Cronartium flaccidum (Alb. and Schwein) Wint. (Rust causing serious stunting of hard pines).
	Japan	An undescribed gall-forming rust.
Pinus spp. (5-leaved)	All foreign countries when destined to states designated as noninfected in 7 CFR 301.63-3a or amendments thereof.	Cronartium ribicola Fischer (White-pine blister rust).
Populus spp.	Europe	Pseudomonas rimaefaciens Koning (Canker).
Primula spp.	Australia and Great Britain	Marmor lethale Holmes (Tobacco-necrosis virus).
Prunus spp.	Germany	Pox-disease virus of sweet cherry.
	Switzerland	Rigi cherry disease virus.
Prunus spp. (except stocks for vegetative propagation of stocks).	Europe, Asia, Africa, Oceania (including Australia and New Zealand).	A diversity of plant diseases.
Prunus spp.	All foreign countries, except Canada, when destined to California.	A diversity of plant diseases.
Pseudotsuga spp.	Europe	Phomopsis pseudotsugae Wilson (Douglas fir canker).
Pyrus spp. (except stocks for vegetative propagation of stocks).	Europe, Japan, Manchuria, and South Africa.	Monilinia fructigena (Aderh. and Ruhl.) Honey (Brown rot of fruit).
	Japan and China	Gymnosporangium haraeanum Syd. (Rust). Gymnosporangium japonicum Syd. (Rust).
	Korea	Physalospora piricola Nose (Leaf, branch and fruit disease).
Quercus spp.	Japan	Stereum hjugense Imazeki (white rot); and an undescribed gall-forming rust.
Ribes nigrum (both plants and seeds)	All foreign countries when destined to states designated as noninfected in 7 CFR 301.63-3a or amendments thereof.	Cronartium ribicola Fischer (White-pine blister-rust).
Ribes nigrum	England and New Zealand	Aphelenchoides ribes (Taylor 1917) Goodey 1923 (Black currant eel-worm).
	British Isles	Acrogenus ribis Burk. (Black currant reversion disease virus).
Rosa spp.	Australia, Italy, and New Zealand.	Marmor flaccumfaciens Holmes (Rose wilt virus).
Salix spp.	England and The Netherlands	Bacterium salicis Day (Watermark disease).
Seeds of all kinds when in pulp	All foreign countries	Fruitflies.
Sorbus spp.	Germany	Pyrus disease virus No. 1.
	China, Japan, Southeastern Asia, Philippine Islands, Oceania (including Australia and New Zealand).	Taphrina piri Kusano (Leaf distortion fungus).
Vitis spp.	Europe	Marmor viticola Holmes (Vine mosaic virus).
Wisteria	Australia	Mosaic disease.

[1] The term "spp." as used after a generic name in this subpart, includes all species, varieties, and hybrids, of the genus. Unless otherwise specifically indicated, all items of plant material appearing in this subpart refer to the plants as well as all vegetative parts thereof, including buds, cuttings, scions, and layers, but seeds are not included unless specifically mentioned.

§ 319.37-1 *Definitions.* Words used in the singular form in the regulations in this subpart shall be deemed to import the plural, and vice versa, as the case may demand. For the purposes of §§ 319.37 to 319.37-27 the following words shall be construed, respectively, to mean:

(a) *Chief of Bureau.* The Chief of the Bureau of Entomology and Plant Quarantine, or any officer or employee of the Bureau to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(b) *Bureau.* The Bureau of Entomology and Plant Quarantine, United States Department of Agriculture.

(c) *Inspector.* Any person authorized by the Secretary of Agriculture of the United States to enforce the provisions of the Plant Quarantine Act.

(d) *Person.* Any individual, firm, corporation, company, society, association, or other organized group of any of the foregoing.

(e) *Importer.* The permittee, agent of the permittee, or other person bringing to the United States plant material which is subject to the quarantine and regulations in this subpart.

(f) *Plant pest.* Any living stage of the numerous small invertebrate animals belonging to the phylum Arthropoda (as, for example, insects, mites, ticks, centipedes, etc.), any form of elongated invertebrates lacking appendages, commonly referred to as worms (as, for example, nematodes), any form of protozoa, any form of fungi (as, for example, rusts, smuts, molds, and yeasts), any form of bacteria, any form of viruses, or any form of similar or allied organisms, which can directly or indirectly injure or cause disease in plants or parts thereof.

(g) *Restricted plant material.* Any living material the entry of which is not prohibited by any quarantine or order, and which is not restricted entry by any other quarantine or order, which is imported, offered for entry into, or arrives within the territorial limits of, the United States.

(h) *Bulbs.* The tubers of species of Anemone, Begonia, Cyclamen, Gloxinia, Ranunculus, and Eranthis, and the underground portions of plants of the botanical families Amaryllidaceae, Iridaceae, and Liliaceae, including bulbs, corms, rhizomes, tubers, pips, fleshy roots or other underground growths, a unit of which when planted produces an individual plant.

(i) *Seeds*[1]. The mature ovular bodies produced by flowering plants, containing embryos capable of developing into new plants by germination.

(j) *Fruit and nut plants.* Woody plants grown commercially for their edible fruiting parts, such as apples, grapes, almonds, and currants, but not such as mulberry, oak, and ginkgo.

(k) *Fruit and nut stocks.* Plants which are to be budded or grafted with buds or scions of fruit or nut plants as distinguished from fruit and nut plants which are to be grown on for what they are.

(l) *Permit.* A form of authorization to allow the importation of restricted plant material in accordance with the regulations in this subpart.

(m) *United States.* The continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

(n) *Europe.* The Continent of Europe, the British Isles, and the other Islands on the European continental shelf.

(o) *Treatment.* Fumigation or any other process involving the application of a gas, dry or moist heat, chemicals,

[1] Compliance by the importer with rules and regulations under the Federal Seed Act (7 U. S. C. 1551 et seq.) administered by the Production and Marketing Administration, U. S. Department of Agriculture, may also be required with respect to the importation of certain seeds which is regulated by the provisions of that act.

low temperatures, etc., excision of infected parts, or any other processing of plants or parts of plants including bulbs and seeds, that is designed to eliminate or control any infestation or infection by a plant pest.

§ 319.37–2 *Restricted plant material enterable without individual permits.* Restricted plant material (except Aglaonema) which is imported for food, analytical, medicinal, or manufacturing purposes, and seed specified in § 319.37–4 (a) may be entered without further permit other than the authorization contained in this section but subject to the conditions and requirements outlined in §§ 319.37–7, 319.37–8, 319.37–9, 319.37–11, 319.37–15, 319.37–16, 319.37–17, and 319.37–20: *Provided*, That the inspector may waive the inspection provided for in § 319.37–8 for any shipment when in his judgment such inspection is unnecessary.

§ 319.37–3 *Bulbs.* Bulbs may be imported in accordance with the requirements of §§ 319.37–7, 319.37–8, 319.37–10 through 319.37–17, and 319.37–20, except that entry will be refused to bulbs found upon inspection to contain injurious pests which may not be destroyed by treatment. Treatment of bulbs will be required when an inspector's examination discloses that, in his opinion, treatment is feasible to destroy infestations or infections of living plant pests. When treatment is required, the inspector shall prescribe a method of treatment for such bulbs in accordance with administratively authorized procedures known to be effective under the conditions under which they are applied. An inspector at a port not having special inspection or treating facilities may require shipments of bulbs to be transported in bond to a port with such facilities for inspection and treatment under such safeguards as he may prescribe.

Neither the Department of Agriculture nor the inspector shall be deemed responsible for any adverse effects of any such treatment.

The inspector may refuse entry to any bulbs which at the time of inspection at the port of entry are of such nature or are in such condition that, in his judgment, they cannot be treated without substantial injury.

The inspector may determine whether he will inspect bulbs on the piers or at special inspection facilities, and whether the entire shipment or any parts thereof as designated by him shall be transferred from the piers to special inspection facilities for inspection.

§ 319.57–4 *Seeds*—(a) *Seeds importable without individual permits.* Seeds of field crops, vegetables, and annual, biennial and perennial flowers which are essentially herbaceous in character, except seeds of Lathyrus, Vicia, and okra, may be imported into the United States without further permit other than the authorization contained in this paragraph but subject to the conditions and requirements of § 319.37–2.

(b) *Seeds importable under permit.* All seeds not under paragraph (a) of this section, not prohibited entry in § 319.37 or any other quarantine, and not restricted in any other quarantine, and including seeds of Lathyrus, Vicia, and okra, which are free from pulp of a character which will support living larvae of fruitflies or other injurious insects, other than stored-product insects of general distribution, may be imported into the United States with a permit. Such seeds, except vetch seeds, may be imported in commercial quantities, subject to the requirements of § 319.37–7 through § 319.37–17, and § 319.37–20, through ports that have special inspection facilities and are named in the permit issued for the seeds. Vetch seeds in commercial quantities may be imported subject to the requirements of the same sections but through any port, except any port on the Pacific Coast, which is named in the permit and at which the services of an inspector are available and the seed may be treated as required by the inspector.

§ 319.37–5 *Restricted plant material from Canada.* (a) Excepting the restricted plant material specified in § 319.37–2 which may enter at any point on the Canadian Border where there is a Customs officer, and that which is specified in § 319.37–19 (c), restricted plant material, including fruit and nut stocks, may be imported from Canada as baggage, express, or freight at any port where there is a United States Customs official and by mail pursuant to § 319.37–10, through ports named in the permits, subject to the conditions and requirements set forth in § 319.37–7 through § 319.37–14, and § 319.37–16, § 319.37–17 and § 319.37–20, but the treatment requirement of § 319.37–9 shall be waived unless the conditions of the shipment or other special circumstances necessitate, in the opinion of the inspector, the application of a treatment.

(b) Restricted plant material specified in § 319.37–19 (c) may be imported from Canada under a permit issued in advance, through the port specified in the permit, and subject to all the conditions and requirements of § 319.37–7 through § 319.37–14, § 319.37–16, § 319.37–17, § 319.37–19, and § 319.37–20.

(c) Restricted plant material may be certified under § 319.37–13 (b) as of Canadian origin when it can be shown to have been produced in the Dominion of Canada, or to have been imported from the United States. Herbaceous perennials imported into and grown on in Canada may be considered of Canadian production one growing season after importation. Woody plants, and greenhouse plants, such as orchids, ferns, palms, aspidistra, and other plants of like character, which have been imported into and grown on in Canada, except when imported into the Dominion from the United States, may not be considered as of Canadian origin and production and are enterable into the United States only under the requirements of § 319.37–6.

§ 319.37–6 *Restricted plant material generally.* All restricted plant material excepting that specified in § 319.37–2 to § 319.37–5, inclusive, may be imported subject to the conditions and requirements set forth in § 319.37–7 through § 319.37–20, through a port which has special inspection facilities, to be designated in the permits. In addition to these requirements, all importations of five-leaf pines, currants, and gooseberries shall be made under conditions which are in harmony with the plant disease control program under the domestic blister rust quarantine (7 CFR 301.63).

§ 319.37–7 *Costs and charges.* The services of the inspector during regularly assigned hours of duty and at the usual places of duty shall be furnished without cost to the importer. No charge will be made to the importer for Government owned or controlled special inspection facilities and equipment used in treatment, but the inspector may require the importer to furnish any special labor, chemicals, packing materials, or other supplies required in handling an importation under the quarantine and regulations in this subpart. The bureau will not be responsible for any costs or charges, other than those indicated in this section, in connection with the entry, unpacking, inspection, treatment, repacking, conditioning, storage, forwarding, or any other operation of any character incidental to the physical entry of an importation of restricted plant material.

§ 319.37–8 *Inspection; freedom from plant pests.* Except as otherwise provided herein, all plant material shall be subject to inspection to determine freedom from pests, and to determine compliance with requirements of the quarantine and regulations in this subpart. Inspection of Primula spp., except Primula spp. from Canada, shall be accomplished by detention of the plants for the time necessary to test them for the presence of tobacco-necrosis virus by the process of inoculating known susceptible plants, which is termed "indexing." This type of inspection will be available only at the Port of New York. Advance notice must be given of the arrival of such plants so that test seedlings will be available. Entry will be refused to restricted plant material found upon inspection to harbor injurious pests which are not widely prevalent in the United States, when no adequate method of treatment is available. When inspection discloses that the only pests present are such as are known to be widely prevalent within the United States, the inspector may require as a condition of entry that the shipment be treated by the best method available. In the latter case, where no method of treatment is known or the degree of pest infestation or infection is determined by the inspector as negligible he may permit the entry of the restricted plant material under appropriate restrictions or safeguards, in accordance with procedures administratively authorized by the Chief of Bureau.

§ 319.37–9 *Treatment.* (a) Unless otherwise provided in the regulations in this subpart, all restricted plant material, except bulbs, shall be treated upon arrival in the United States in a manner required by the inspector and under his supervision, and in a place approved by him. If this involves transportation of

such material to a port having special inspection or treating facilities, the inspector may require that the material be transported in bond under such safeguards as he may prescribe. The inspector may waive treatment if in his judgment it is advisable to do so when inspection has failed to show cause for treatment. The inspector shall prescribe a schedule of treatment for restricted plant material according to a method selected by him in accordance with administratively authorized procedures known to be effective under the conditions under which the treatment is applied. Neither the Department of Agriculture nor the inspector shall be deemed responsible for any adverse effects of any such treatment.

(b) The inspector may refuse entry to any restricted plant material (except bulbs) which at the time of inspection at the port of entry is of such nature or is in such condition that, in his judgment, it cannot be treated without substantial injury.

§ 319.37–10 *Importation by mail.* Importation by mail of any restricted plant material for which a permit is required as a condition of entry pursuant to § 319.37–3 through § 319.37–6 will be permitted only when the shipment is accompanied from the foreign mailing point by a special mailing tag or label which will direct the package to the Bureau at the inspection point named on the tag or label, or when the package is addressed to the Bureau at an inspection point named in the permit authorizing the importation by mail. Special mailing tags or labels will be furnished by the Bureau upon request made at the time of application for permit under § 319.37–12 and will bear the identifying number of the permit.

§ 319.37–11 *Notice of arrival.* Immediately upon arrival of any shipment of restricted plant material at a port of entry the importer shall submit, in duplicate, through the United States Collector of Customs and for the United States Department of Agriculture, a notice of such arrival, on forms provided for that purpose (Form EQ–368) and shall give such information as is called for by that form; and he shall also submit with the notice an invoice or packing list which identifies the contents of the shipment.

§ 319.37–12 *Applications for and issuance of permits.* Except as otherwise provided in § 319.37–2 and § 319.37–4 (a) permits are required for importations of all restricted plant material. Persons desiring to import restricted plant material for which a permit is required as a condition of entry pursuant to § 319.37–3 through § 319.37–6 shall first submit to the Bureau an application[2] stating the name and address of the importer, the approximate quantity and kinds (botanical designations) of restricted plant material it is desired to import, the country where grown, the port of entry in the United States, the name and address of the agent, if any, representing the importer, the means of transportation to be employed, i. e. mail, air mail, express, air express, freight, air freight, or baggage. Such restricted plant material may be imported only after a permit has been issued, but if through no fault of the importer a shipment of such material arrives in advance of the issuance of a permit it may be held, under suitable safeguards prescribed by the inspector, in Customs custody and at the risk of the importer, pending the issuance of a permit, for a period not exceeding 20 days. Applications may be made orally or on forms provided for the purpose by the Bureau, or may be made by a letter or telegram containing all the information required by this paragraph.

Prospective importers of restricted plant material which will be required to be grown under postentry quarantine conditions outlined in § 319.37–19 shall also comply with § 319.37–19 (b) in submitting the application for permit.

Upon receipt of an application and upon approval by the inspector a permit or other authorization will be issued specifying the conditions of entry and the port of entry, and a copy will be supplied to the importer.

Permits for the importation of plants that are to be inspected for the presence of virus disease by the technique of indexing may limit the number of such plants in any one importation to the number that can be readily examined by this method.

§ 319.37–13 *Certification.* (a) All restricted plant material from countries with official systems of inspection, except that entering pursuant to § 319.37–2, shall be accompanied by an original certificate attached to the invoice, and each container shall bear a copy-certificate, issued by a duly authorized official of the country of export stating (1) the country where the restricted plant material covered by the certificate was grown, (2) that it has been thoroughly inspected by him, or under his direction, both during the growing season and at the time of packing, and was found, and believed to be, free from plant pests, (3) that it is free from all sand, soil, or earth, except for restricted plant material under § 319.37–5, and (4) that only approved packing materials have been used. If the restricted plant material was not produced in the country from which it is shipped to the United States, the certificate and copy-certificate required in this paragraph must have been issued by the duly authorized official of the country where such material was grown. In addition, all restricted plant material entering the United States from any foreign country or locality, except that entering pursuant to § 319.37–2, shall be accompanied by an original certificate attached to the invoice, and each container shall bear a copy-certificate, issued by a duly authorized official of the country where such material was grown, stating that the restricted plant material covered by the certificate was grown on land on which no golden nematode (Heterodera rostochiensis Wr.) is known by him to occur. In countries where the golden nematode is reported to occur the certificate shall, in addition, state the date of the most recent inspection of the land in which the restricted plant material was grown. These two forms of certification may be included in a single certificate.[3]

(b) All restricted plant material entering the United States from Canada pursuant to § 319.37–5 when considered as of Canadian origin or production as specified in § 319.37–5 (c) shall be certified as of such origin by a duly authorized official of the Dominion pursuant to paragraph (a) of this section.

§ 319.37–14 *Marking of containers.* Each case, box, or other container of restricted plant material shall be clearly and plainly marked and individually numbered and shall show the general nature and quantity of the contents, the country and locality where grown, the name and address of both the shipper and the consignee, and when containing restricted plant material importable only under permit, pursuant to § 319.37–3 through § 319.37–6, the number of the permit authorizing the importation. Containers of restricted plant material importable only under permit shall be addressed to the consignee in care of the Bureau of Entomology and Plant Quarantine at the port of entry designated in the permit.

§ 319.37–15 *Freedom from soil.* All restricted plant material must be free from sand, soil, or earth, and any shipment arriving in the United States which is not free from such sand, soil, or earth, except shipments under § 319.37–5, may be refused entry. This requirement does not apply to approved packing material as provided in § 319.37–16.

§ 319.37–16 *Approved packing materials.* All packing materials employed in connection with any shipment of restricted plant material are subject to approval for such use by the Chief of Bureau, who shall specify in administrative instructions a list of approved packing materials and instructions as to their use.

§ 319.37–17 *Prohibited plant material accompanying restricted plant material.* If any container of restricted plant material is found to contain plant material prohibited importation by §§ 319.37 through 319.37–27 or any other quarantine or order, the entire container may be refused entry by the inspector.

§ 319.37–18 *Size-age limitations.* (a) Except as provided in this paragraph,

[2] Applications for permits should be made to Import and Permit Section, Bureau of Entomology and Plant Quarantine, 209 River Street, Hoboken, N. J.

[3] The following is a suggested certificate that would meet these requirements:

This is to certify (1) that the plant material covered by this certificate was grown in _____; (2) that it was inspected by me or under my direction both during the growing season and at the time it was packed and was found, and is believed by me, to be from injurious insects and plant diseases; (3) that it is free from all sand, soil, or earth; (4) that the packing material used is of the type approved under the provisions of Nursery Stock, Plan, and Seed Quarantine No. 37; and (5) that the plant material was grown on land which, on the basis of an inspection made on _____, 19__, was free from the golden nematode, Heterodera rostochiensis Wr.

all restricted trees and shrubs to be imported shall be limited to the youngest and smallest, normal, clean, and healthy plants which can be successfully freed from soil about their roots, transported to the United States, and established. The inspector may use as a maximum size criterion in enforcing this limitation the normal size of plants no more than two years of age when they have been grown from seeds or cuttings, or having no more than one year's growth after severance from the parent plant when produced by layers, or having no more than two seasons' growth from the bud or graft when they have been produced by budding or grafting, except that the maximum size criterion for rhododendrons (including azalea) or other genera or species of similar slow growth habit shall be normal size of plants no more than three years of age when they have been grown from seeds or cuttings, or having no more than three years' growth from the bud or graft, or no more than two years' growth after severance in the case of layers. The size-age limitation shall not apply to naturally dwarf or miniature forms not exceeding 12 inches in height from the soil line nor to artificially dwarfed forms of the character popular in parts of the Orient. Whenever the importer makes a showing with his application for permit, satisfactory to the inspector responsible, that importation of a larger plant, such as, for example, a specimen plant, is necessary, and if in the opinion of the inspector such larger plant may be imported under conditions prescribed in the permit without added risk of pest entry, the inspector may authorize an exception to the limitation of this paragraph and shall specify the exception in the permit.

(b) Herbaceous perennials which are usually imported in the form of root crowns or clumps shall be limited to one-year-old plants produced from single propagating units, or, when consisting of divided clump material, such as Astilbe, to divisions comparable to one-year-old plants produced from single propagating units.

(c) Whenever the Chief of Bureau shall find that plants of any kinds, classes, or growth habit, when limited in size and age as set forth in paragraphs (a) and (b) of this section, are too young and small successfully to be freed of soil, transported, and established in the United States, he may set forth in administrative instructions other criteria for the size-age limitation of such plants.

(d) Except as provided in this paragraph, only seeds may be imported in the case of forest trees, species of any plants used for understocks, and woody ornamental plants that are botanical species or botanical varieties and which grow true from seed. The inspector responsible may issue a permit authorizing in advance the importation of plants rather than seeds of such species and varieties specified in this paragraph whenever the importer makes a showing with his application for permit, satisfactory to the inspector, that the plants desired cannot be produced from seed because either (1) they are variations which are reproduced by vegetative means only or (2) it is impossible or impracticable to import viable seed.

(e) Restricted plant material arriving in the United States contrary to any limitation provided in this section may be refused entry.

§ 319.37–19 *Postentry quarantine.* (a) All restricted plant material listed in paragraph (c) of this section will be required as a condition of importation, to be grown under the postentry quarantine conditions set forth in paragraph (b) of this section, and no such material shall be moved from the port of entry until the agreement required in paragraph (b) of this section has been filed with the inspector and other pertinent arrangements for growing in postentry quarantine have been completed to the satisfaction of the inspector. Should inspection at port of arrival of restricted plant material not listed in paragraph (c) of this section, other than that imported pursuant to § 319.37–2, reveal symptoms indicating that unrestricted release of such plant material may present pest entry risk not removed by treatment, the inspector may require such plant material to be grown in postentry quarantine when the importer has made the necessary arrangements, otherwise such plant material shall be refused entry.

(b) In the case of restricted plant material listed in paragraph (c) of this section or otherwise required by the inspector to be grown under postentry quarantine, the importer shall file with his application for permit an agreement to

(1) Grow such material on premises indicated in the permit and owned or controlled by him until released by the Bureau;

(2) Permit inspectors to have access to the said premises at all reasonable daylight hours;

(3) Keep the restricted plant material and any increase therefrom identified with suitable labels showing the name of the plants and the number of the permit which authorized their importation;

(4) Make no distribution from the specified premises of the restricted plant material or increase or cut blooms therefrom, until released from the agreement by the Bureau, which release in the case of cut blooms may be written authorization by the inspector;

(5) Apply any remedial measure prescribed by the inspector to the imported plant material, increase therefrom, or other plants growing on the premises, including destruction of any or all of same, if necessary in the judgment of the inspector, to prevent the dissemination of a plant pest.

(c) The following restricted plant material shall as a condition of importation be grown in postentry quarantine under conditions set forth in this section.

Plants to be grown under postentry quarantine	*Where imported from*
Acer spp	All foreign countries except Bulgaria, Canada, England, France, Germany, and Japan.
Aesculus spp	All foreign countries except Canada, Czechoslovakia, England, and Germany.
Aleurites spp	All foreign countries except China and Brazil.
Althaea spp	All foreign countries except Africa, Canada, and India.
Anthurium spp	All foreign countries.
Berberis spp. (plants of all species and horticultural varieties designated as resistant to black stem rust in accordance with 7 CFR 1949 Supp. 301.38–5 or amendments thereof).	All foreign countries. (May not be grown under postentry quarantine in the eradication states designated in 7 CFR 1949 Supp. 301.38–3 or amendments thereof).
Boltonia spp	Canada.
Bromeliads	All foregin countries when destined to Hawaii.
Camellia spp	Ceylon.
Crataegus monogyna Jacq	Europe.
Cedrus spp	All foreign countries except Canada and those in Europe.
Corylus spp	The Canadian province of Manitoba and provinces west thereof, when destined to the states of California, Oregon, and Washington.
Cytisus spp	All foreign countries except Bulgaria, Canada, England, and Germany.
Daphne spp	All foreign countries except Canada and New Zealand.
Datura spp	All foreign countries except England and India.
Dianthus spp	All foreign countries except England.
Eucalyptus spp	All foreign countries except Argentina, Ceylon, Uruguay, and those in Europe.
Euonymus spp	All foreign countries except Germany.
Fraxinus spp	All foreign countries except Canada and those in Europe.
Fruit and nut plants, buds, cuttings, and scions, or stocks imported for the vegetative propagation of stocks (except as otherwise provided).	All foreign countries except Canada.
Hibiscus spp	All foregin countries except Sudan, Nigeria, India, and Trinidad.
Humulus spp	All foreign countries.
Hydrangea spp	All foreign countries except Germany.
Ilex spp	All foreign countries except Canada, England, and France.
Jasminum spp	All foreign countries except Belgium, Canada, England, and Germany.

Plants to be grown under postentry quarantine	*Where imported from*
Juniperus spp.	All foreign countries except Canada, Finland, and Rumania.
Laburnum spp.	All foreign countries except Bulgaria, Canada, England, and Germany.
Larix spp.	All foreign countries except Canada and those in Europe.
Ligustrum spp.	All foreign countries except Canada and Germany.
Mahoberberis spp. (plants of all species and horticultural varieties designated as resistant to black stem rust in accordance with 7 CFR 1949 Supp. 301.38-5 or amendments thereof).	All foreign countries. (May not be grown under postentry quarantine in the eradication states designated in 7 CFR 1949 Supp. 301.38-3 or amendments thereof.)
Mahonia spp. (plants of all species and horticultural varieties designated as resistant to black stem rust in accordance with 7 CFR 1949 Supp. 301.38-5 or amendments thereof).	All foreign countries. (May not be grown under postentry quarantine in the eradication states designated in 7 CFR 1949 Supp. 301.38-3 or amendments thereof.)
Malus spp., including stocks, when not prohibited entry.	All foreign countries except Canada.
Mespilus germanica L.	Europe.
Morus spp.	All foreign countries except Canada, China, and Japan.
Nicotiana spp.	All foreign countries except Australia, Great Britain, and Canada.
Nut and fruit stocks	(See Fruit and Nut Stocks.)
Passiflora spp.	All foreign countries.
Picea spp.	All foreign countries except Canada, Japan, Siberia, and those in Europe.
Pinus spp. (2- or 3-leaved)	All foreign countries except Canada, Japan, and those in Europe.
Populus spp.	All foreign countries except Canada and those in Europe.
Prunus spp., including stocks, when not prohibited entry.	All foreign countries except Canada, and from Canada when destined to California.
Pseudotsuga spp.	All foreign countries except Canada and those in Europe.
Pyrus spp., including stocks, when not prohibited entry.	All foreign countries except Canada.
Quercus spp.	All foreign countries except Canada and Japan.
Rhododendron brachycarpum D. Don	Europe, Japan, and Siberia.
R. calostrotum I. B. Balf. & F. K. Ward.	
R. cantabile I. B. Balf.	
R. dauricum L.	
R. fastigiatum Franch.	
R. ferrugineum L.	
R. hippophaeoides I. B. Balf. & W. W. Smith.	
R. hirsutum L.	
R. indicum Sweet.	
R. intermedium Tausch.	
R. kaempferi Planch.	
R. keleticum I. B. Balf. & Forrest.	
R. kotschyi Simonk.	
R. kiusianum Makino.	
R. micranthum Turcz.	
R. myrtifolium Lodd.	
R. oldhami Maxim.	
R. parvifolium Adams.	
R. ponticum L. var. baeticum Boiss. & Reut.	
R. pruniflorum Hutchinson & F. K. Ward.	
R. racemosum Franch.	
R. roylei Hook. f.	
R. suave Hort.	
Ribes nigrum	All foreign countries except British Isles, Canada, and New Zealand (may not be grown under postentry quarantine when destined to states designated as noninfected in 7 CFR 301.63-3a or amendment thereof).
Rosa spp.	All foreign countries except Australia, Canada, Italy, and New Zealand.
Rubus spp.	All foreign countries.
Salix spp.	All European countries except England and The Netherlands.
Sorbus spp.	All foreign countries except Canada, China, Germany, Japan, Philippine Islands, and those in Southeastern Asia and Oceania (including Australia and New Zealand).
Ulmus spp.	All foreign countries except Canada and those from which entry of this species is prohibited by 7 CFR 319.70 et seq. or amendments thereof.
Vitis spp.	All foreign countries other than Canada and those in Europe.
Wisteria spp.	All foreign countries except Canada and Australia.

§ 319.37-20 *Plant material refused entry.* Any plant material refused entry for noncompliance with the requirements and conditions of this subpart shall be promptly removed from the United States or abandoned by the importer for destruction, and pending such action shall be subject to the immediate application of such safeguards against escape of plant pests as the inspector may prescribe. If such restricted plant material is not promptly safeguarded by the importer, removed from the United States, or abandoned for destruction to the satisfaction of the inspector it may be seized, destroyed, or otherwise disposed of in accordance with section 10 of the Plant Quarantine Act (7 U. S. C. 164a). Neither the Department of Agriculture nor the inspector will be responsible for any costs accruing for demurrage, shipping charges, cartage, labor, chemicals, etc., incidental to the safeguarding or disposal of plant material refused entry by the inspector, nor will the Department of Agriculture or the inspector be responsible for the value of the plant material so disposed of. It shall be understood that any person applying for a permit under § 319.37-12 agrees to the conditions and requirements of this section.

§ 319.37-21 *Ports of entry.* Ports of entry for the various kinds and classes of restricted plant material shall be those specified under § 319.37-3 through § 319.37-6. In specifying ports of entry[1] for importations the inspector issuing permits shall be governed by the general principle that uninspected and untreated shipments shall not move long distances overland for inspection and treatment but shall be inspected and treated at the authorized point at or nearest the port of arrival.

§ 319.37-22 *Importations for exportation and importations for transportation and exportation.* Importations of restricted plant material for exportation or for transportation and exportation subject to the quarantine and regulations of this subpart shall be subject to the Plant Safeguard Regulations in 7 CFR 352.1 through 352.7, as amended from time to time.

§ 319.37-23 *Importations by the Department of Agriculture.* Restricted plant material may be imported by the Department of Agriculture for experimental or scientific purposes under such conditions as may be prescribed by the Chief of Bureau and through the Division of Plant Exploration and Introduction of the Bureau of Plant Industry, Soils and Agricultural Engineering.

§ 319.37-24 *Cooperation with States.* Whenever, in the opinion of the Chief of Bureau, a State or Territory of the United States shall have taken action to suppress types of pests that may be imported with certain nursery stock and other plants and seeds, and shall have promulgated, when such action contributes to the suppressive program, a plant

[1] See § 319.37-26 for a list of ports at which inspectors are located. Ports with special inspection and treating facilities are indicated by an asterisk (*).

quarantine prohibiting the entry in interstate movement of specific kinds of nursery stock, other plants, or seeds that might introduce such pests, and further shall have requested through the responsible State official that the United States Department of Agriculture cooperate by restricting the importation from specific foreign countries of such nursery stock, other plants, or seeds into the State or Territory in question, importations thereof to said State or Territory may be denied by the Chief of Bureau either through refusing approval of a permit or such other means as he may provide in administrative instructions.

§ 319.37–25 *Insects imported for scientific and educational purposes.* No insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees or shade trees, or the eggs, larvae, or pupae of any such insect, may be removed from any foreign country into the United States, except that injurious insects, in any stage of development, may be imported into the United States, under permit for scientific, including educational, purposes, only under such safeguards and restrictions as the Chief of Bureau may prescribe after review of each individual application for permit to import either individual consignments or a group of related shipments. Each application for a permit to import such insects shall give information on the specific insects to be imported, the purpose of and need for the importation, the place where and conditions under which the insects will be studied, the area from which they will be imported, and the port through which the shipment will be made. Each container of insects so imported shall bear an identifying tag from the Chief of Bureau.

§ 319.37–26 *Appendix A—List of ports at which inspectors are located.* Ports with special inspection and treating facilities are indicated by an asterisk (*).

Alaska: Anchorage, 136 Federal Building. Fairbanks, 403 Federal Building.

Alabama: Mobile, 209 U. S. Courthouse and Customhouse.

Arizona: Douglas, 207 U. S. Inspection Station. Naco, 107 U. S. Border Station. Nogales, 128 Federal Inspection Station Building.

California: Calexico, 203 U. S. Border Station. Los Angeles, 204 State Building, 217 West First Street (San Pedro, 104 Ferry Building). San Diego, 308 Broadway Pier Building. *San Francisco, 2 Agriculture Building, Embarcadero at Mission Street. San Ysidro, 229 Federal Building.

District of Columbia: *Plant Inspection House, 224 Twelfth Street SW., Washington.

Florida: Jacksonville, 445 New Post Office Building, 311 West Monroe Street. Key West, 226 Federal Building, 307 Simonton Street. *Miami, East End Pier No. 2, City Docks (Plant Inspection House, Building T–202, Avenue A, International Airport). Pensacola, 312–B Federal Building, Corner Chase and Palafox Streets. Port Everglades, 102 Customhouse. Tampa, 113 U. S. Customs Appraiser's Stores Building, Platt and Water Streets. West Palm Beach, 216 Federal Building, Olive and Fern Streets.

Georgia: Savannah, 107 Customhouse, 1 East Bay Street.

Hawaii: Hilo, 236 Federal Building. *Honolulu, 248 Federal Building.

Illinois: Chicago, 800 Customhouse, 610 South Canal Street.

Louisiana: New Orleans, 319 Customhouse, 423 Canal Street.

Maryland: Baltimore, 200 Customhouse.

Massachusetts: Boston, 408 Atlantic Avenue, 405 U. S. Appraiser's Stores Building.

Michigan: Detroit, 405 Customhouse, 100 Larned Street.

Minnesota: St. Paul, 203 Main Post Office and Customhouse.

Missouri: Kansas City, 303 Federal Court Building, Grand and Ninth Streets. St. Louis, U. S. Customs Mail Bureau, Window 27, Main Post Office Building.

New York: Buffalo, 530 Federal Building. *New York, 844 Federal Building, Christopher Street (Plant Inspection House, 209 River Street, Hoboken, N. J.).

Ohio: Cleveland, 3067 Main Post Office Building.

Oregon: Portland, 439 U. S. Courthouse, 620 Southwest Main Street.

Pennsylvania: Philadelphia, 601–A Customs house.

Puerto Rico: *San Juan, Building N, Puerto Rican Reconstruction Administration, Avenida Ponce de Leon.

South Carolina: Charleston, 17 Customhouse.

Texas: Brownsville, U. S. Fumigation Plant, Dallas, 544 U. S. Terminal Station, 207 South Houston Street. Del Rio, International Bridge Landing. Eagle Pass, 209–210 U. S. Post Office and Customhouse. El Paso, 127 U. S. Court House. Galveston, 407 Post Office Building. Hidalgo, U. S. Customs Building, International Bridge. Houston, 206 U. S. Appraiser's Stores Building, 7300 Wingate Street. *Laredo, 207–211 Federal Building. Port Arthur, 205 Post Office and Customhouse. Presidio, U. S. Customhouse, International Bridge. Roma, Starr County Bridge Co. Building. San Antonio, 533 Federal Building, Houston and Alamo Streets.

Virginia: Arlington, MATS Terminal Building, National Airport. Norfolk, 411 U. S. Post Office and Courthouse Building.

Washington: Blaine, 211 Customs Station, Pacific Highway. *Seattle, 904 Federal Office Building.

§ 319.37–27 *Appendix B—Prohibited or restricted entry of plant material for propagation.*

The entry of the following plant material for propagation is prohibited or restricted by specific quarantines and other restrictive orders now in force:

(a) Irish potatoes from all countries except the Dominion of Canada and Bermuda.

(b) Cottonseed (including seed cotton) of all species and varieties from any foreign country and locality, excepting the Imperial Valley of Mexico.

(c) Seeds of the avocado or alligator pear from Mexico and the countries of Central America.

(d) Canes of sugarcane or cuttings or parts thereof from all foreign countries.

(e) Seed and all other portions in the raw or unmanufactured state of Indian corn or maize (Zea mays L.), and the closely related plants, including all species of Teosinte (Euchlaena), Job's tears (Coix), Polytoca, Chionachne, and Sclerachne, from southeastern Asia (including India, Siam, Indo-China, and China), Malayan Archipelago, Australia, New Zealand, Oceania, Philippine Islands, Formosa, Manchuria, Japan, and adjacent islands.

(f) All varieties of sweetpotatoes and yams (Ipomoea batatas and Dioscorea spp.) from all foreign countries and localities.

(g) All varieties of banana plants (Musa spp.) or portions thereof from all foreign countries and localities.

(h) All varieties of bamboo seed, plants, or cuttings thereof capable of propagation, including all genera and species of the tribe Bambuseae, from all foreign countries.

(i) Seed or paddy rice from all foreign countries and localities.

(j) Wheat from Australia, India, Japan, Italy, China, Union of South Africa, and Spain.

(k) Seed and all other portions in the raw or unmanufactured state of Indian corn or maize, broomcorn, sweet sorghums, grain sorghums, Sudan grass, Johnson grass, sugarcane, pearl millet, napier grass, teosinte, and Job's tears from all foreign countries and localities.

(l) Citrus plants or any part except seeds, of all genera, species, and varieties of the subfamilies Aurantioideae, Rutoideae and Toddalioideae of the botanical family Rutaceae from all foreign countries and localities.

(m) All seeds, leaves, plants, cuttings, and scions of elm and related plants from the Continent of Europe, the Dominion of Canada, and other foreign areas north of the United States, except that clean seeds from the foreign areas north of the United States are exempted.

(n) Coffee plants and leaves from all foreign countries and localities when destined to Puerto Rico.

The purpose of the quarantine and regulations in this subpart is to prevent the entry into the United States of injurious plant pests from all foreign countries.

Revisions of this quarantine prior to that promulgated on July 21, 1948 have determined that there existed in Europe, Asia, Africa, Mexico, Central and South America, and other foreign countries and localities certain injurious insects and fungus diseases new to and not theretofore distributed within and throughout the United States. They therefore declared it necessary to forbid the importation into the United States of certain nursery stock and other plants and seeds from all foreign countries, except as provided in rules and regulations supplemental to the quarantine.

The major revision issued July 21, 1948, was for the purpose of modifying such prohibitions and restrictions; specifying many exclusion procedures that had been carried on administratively for considerable periods under the general authority of the regulations; prescribing the manner in which the amendment to section 1 of the Plant Quarantine Act, approved July 31, 1947 (7 U. S. C. Supp. III, 154) should be made effective; and establishing such other restrictive measures as were then deemed necessary to prevent the entry of plant pests.

Among other features of the 1948 revision, absolute prohibitions were prescribed on the importation into the United States of specific plant material that might serve as a means of introducing plant pests from foreign countries where the pests occur. By authority of section 7 of the Plant Quarantine Act (7 U. S. C. 160), the quarantine prohibited the entry into this country of plant material for which a sound biological basis for exclusion exists. Most of these prohibitions were of long standing, previously having been administratively ordered as safety measures under the general authority of the regulations.

Further, as a means of preventing the entry into the United States of still other plant pests, certain import restrictions of the Plant Quarantine Act were made applicable to specified plants, roots, bulbs, and seeds by authority of section 5 of the act (7 U. S. C. 159). In addition, provision was made to prohibit or restrict the importation into certain states of the United States of any nursery stock and other plants and seeds that might introduce injurious plant pests against which a state control program is directed.

As authorized in amended section 1 of the Plant Quarantine Act, conditions were established under which permits may be issued for the importation into the United States of certain nursery stock and other plants and seeds. Also, certain limitations were prescribed on the entry of such nursery stock and other plants and seeds from foreign countries. These limitations included the requirement that such nursery stock and other plants and seeds be grown under postentry quarantine by or under the supervision of the United States Department of Agriculture for the purpose of determining whether imported plant material may be infested or infected with plant pests not discernible by port of entry inspection. Such remedial measures as were deemed necessary were also prescribed for application to imported nursery stock and other plants and seeds found to be infested or infected with plant pests.

Under the Insect Pest Act of 1905, regulations were established for the importation into the United States, for scientific purposes, of notoriously injurious, living insects.

The present revision makes certain minor changes in the text of the quarantine and regulations, but otherwise continues them in effect. The terms "clone" and "clonal understocks" have been replaced by the term "stocks", one more commonly understood. In other instances the quarantine and regulations have been clarified to eliminate ambiguities. Requirements applicable to species of berberis, mahonia, mahoberberis, and ribes have been readjusted to conform to revised requirements of domestic plant quarantines prescribing the manner in which these species may move interstate.

Administrative instructions of the Chief of the Bureau of Entomology and Plant Quarantine, heretofore issued as 7 CFR and 1949 Supp. 319.37a, 319.37–16a, 319.37–24a, and 7 CFR 319.37–2a, 15 F. R. 1196, remain in full force and affect until otherwise ordered by the Chief of the Bureau of Entomology and Plant Quarantine as provided in this subpart.

This revision of the quarantine and regulations shall be effective on and after December 5, 1950.

Done at Washington, D. C., this 1st day of November 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-9859; Filed, Nov. 3, 1950; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 6]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

MAINTENANCE AND INSPECTION; ALL AIRCRAFT

Section 42.31–3 is amended to read as follows:

§ 42.31–3 *Maintenance and inspection; all aircraft (CAA policies which apply to § 42.31 (a) (1) and (2)).* The following procedures will be applicable in establishing initial overhaul time limitations for both large and small irregular air carrier aircraft:

(a) Initial overhaul time limitations for large multi-engine aircraft powerplants of a new model or one which has never been used in air carrier service will not exceed 600 hours.

(b) The initial overhaul time limitations for an engine which is a development of a basic model on which substantial air carrier service experience exists will not exceed a value which is 400 hours less than the maximum time approved for any irregular air carrier on the basic model at that date or 600 hours, whichever is greater.

(c) The initial overhaul time limitation for an engine model on which substantial irregular air carrier service experience exists will not exceed a value which is 300 hours less than the maximum approved time for any irregular air carrier on that model engine and aircraft combination at that date or 700 hours, whichever is greater.

(d) Time limitations for all aircraft components (except engines) of aircraft new to the operation of a particular air carrier, but which has had previous substantial air carrier service experience, will not be greater than the lowest times approved (at that time) for the same components for other irregular air carrier operators of the same model aircraft.

(e) Initial overhaul time limitations for single-engine aircraft powerplants will be established in accordance with the manufacturer's recommended periods for new air carrier operators using such equipment. Where the manufacturer does not recommend specific periods for overhaul of the engine, one of the two following conditions will be applicable.

(1) Operators who have previously operated and satisfactorily maintained the engine in question (as revealed by service and overhaul records) may have the initial overhaul time limitation for that engine established at a figure not to exceed 600 hours.

(2) Operators who have not had the experience necessary to demonstrate the ability to operate and maintain the pertinent engine in accordance with subparagraph (1) of this paragraph, may have initial overhaul time limitations established at a figure not to exceed 500 hours for the engine concerned.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, as amended; 49 U. S. C. and Sup., 551, 554)

This policy shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 50-9879; Filed, Nov. 6, 1950; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5702]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

FREDERICK GODFREY

Subpart—*Advertising falsely or misleadingly:* § 3.90 *History of product or offering;* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale, or distribution of the preparation designated "Terits", or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said product, which advertisements represent, directly or by implication (a) that said preparation is a competent or effective treatment or cure for rheumatism, arthritis or neuritis or that it will have any therapeutic value in the treatment of rheumatism, arthritis, or neuritis, or in treating or relieving any of the symptoms thereof, in excess of affording temporary and partial relief of minor aches and pains, and fever associated therewith; or (b) that said preparation is a new medicine; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C., 45) [Cease and desist order, Docket 5702, Frederick Godfrey, September 22, 1950]

This proceeding came on to be heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts, in which stipulation respondent waived all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that the said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Frederick Godfrey, individually and trading under the name of Canam Sales Agency, or any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of the preparation designated "Terits", or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from:

(1) Disseminating or causing to be disseminated by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisements which represent directly or by implication:

(a) That said preparation is a competent or effective treatment or cure for rheumatism, arthritis or neuritis or that it will have any therapeutic value in the treatment of rheumatism, arthritis, or neuritis, or in treating or relieving any of the symptoms thereof, in excess of affording temporary and partial relief of minor aches and pains, and fever associated therewith.

(b) That said preparation is a new medicine.

(2) Disseminating or causing to be disseminated by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said product in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph (1) hereof.

It is further ordered, That the respondent, Frederick Godfrey, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: September 22, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-9878; Filed, Nov. 6, 1950; 8:47 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-115, Order 156]

PART 125—PRESERVATION OF RECORDS OF PUBLIC UTILITIES AND LICENSEES

GENERAL INSTRUCTIONS, AND SCHEDULE OF RECORDS AND PERIOD OF RETENTION

OCTOBER 17, 1950.

In this proceeding the Commission has under consideration amendment of its general rules and regulations, promulgated for public utilities and licensees effective January 1, 1948, pertaining to the preservation of records of public utilities and licensees, by eliminating § 125.1 and substituting therefor a revised § 125.1, *General instructions*, and amending § 125.2, *Schedule of records and periods of retention*.

The proposed amendments, developed in cooperation with the Committee on Statistics and Accounts of the National Association of Railroad and Utilities Commissioners, are designed to effect economies in the storage and preservation of records, through the preservation of data and information appearing on certain specified types of records through the medium of microfilming, thereby permitting destruction of the original records thereof; provide for definite information as to the character, extent, location and custodian of records required to be preserved so that recourse to and examination of such records, when necessary, by representatives of the Commission and others may not be impeded.

Notice of the proposed rule-making was given by mailing a copy thereof to each public utility and licensee subject to the Uniform System of Accounts and the Federal Power Act and to interested State and Federal agencies and by publication in the FEDERAL REGISTER on March 9, 1950 (15 F. R. 1281-1288). In giving notice of the proposed amendments, the Commission invited all interested persons to submit data, views and comments in writing.

Nine responses were received which were referred to the NARUC Committee on Statistics and Accounts. That Committee has made the following recommendations:

(1) That proposed § 125.1 (a) (5) be revised to include the following: *"and, provided further*, That retention of records pertaining to added services, functions, plant, etc., the establishment of which cannot be presently foreseen, shall conform with the principles promulgated in § 125.2."

(2) That proposed § 125.1 (b), *Designation of supervisory official*, be revised to provide for designation of one or more officials to supervise the preservation and authorized destruction of records instead of designation of only one such official;

(3) That proposed § 125.1 (d), *Index of records*, be revised to read as follows:

(d) *Index of records.* At each office of the public utility or licensee where records are kept or stored, such records as are herein required to be preserved shall be so arranged, filed, and currently indexed, that they may be readily identified and made available to representatives of the Commission. In the general offices of the public utility or licensee a master index shall be available showing the physical location of the various classes of records at each storage place, the periods to which such classes of records relate, and locations, names, and titles of the custodians.

(4) That the note appearing under Item 12 (b) (2) of § 125.2 be modified to include a definition of "basic information", such modified instruction to read as follows:

NOTE: Time tickets and material issued and material returned tickets may be destroyed at option if the basic information contained thereon is transcribed to other records, if such other records are retained in accordance with this instruction. Basic information as regards time tickets includes, as a minimum, for the purpose of this instruction, identification of work performed, hours worked, and distribution of time to proper job or account. For material and material returned tickets basic information, as a minimum, for the purpose of this instruction, includes identification of material by code or otherwise, quantity, and distribution.

Of the other suggestions received, one proposed inclusion of a large number of additional items among those for which microfilms be permitted to be substituted for original records and two were for more liberal permission to microfilm vouchers, original bills, invoices and similar records. Suggestion was also made for the elimination of either § 125.1 (a) (4) or Item 73 of § 155.2 because of the element of duplication involved; for the substitution in § 125.2 (c) of the phrase "reasonable protection shall be given" for the phrase "shall protect"; and the substitution of definite periods of time for the designation "permanent". These additional suggestions were recommended for rejection by the NARUC Committee. In the Commission's opinion rejection of these suggestions is proper.

As for the additional items suggested for microfilming, including vouchers, original bills, invoices and similar records, they are generally of primary accounting importance and of basic usefulness in audits, and should not be microfilmed except with respect to invoices charged to stores as is provided by Item 15 (b) of § 125.2. The dual reference in § 125.1 (a) (4) and Item 73 of § 125.2 is not objectionable and might have advantages. The suggested phrase "reasonable protection shall be given" does not properly express the intent of the rules. Finally, the word "permanent" is not used in the sense of "in perpetuity" and specific periods of time for the retention of certain types of records which have usefulness for a long period of time cannot presently be determined upon.

No request has been made for a hearing on the proposed amendment or the suggestions, proposals or recommendations submitted with respect thereto.

Upon consideration of the proposed amendments, the purposes thereof, the responses referred to above and the recommendations of the Committee on Statistics and Accounts of the National Association of Railroad and Utilities Commissioners, the Commission finds:

(1) The proposed amendments represent matters of practice or procedure which do not require a hearing under section 4 (a) of the Administrative Procedure Act.

(2) The proposed amendments are necessary or appropriate for the purpose of administration of the Federal Power Act.

The Commission, acting pursuant to authority granted by the Federal Power Act, particularly sections 301 (a), 301 (b), 302 (b), 303, 304 and 309 thereof (49 Stat. 854, 855 and 858; 16 U. S. C. §§ 825, 825a, 825b, 825c and 825h), orders:

1. Section 125.1 *General instructions*, be eliminated and § 125.1 reading as follows be substituted therefor:

§ 125.1 *General instructions*—(a) *Scope of the regulations in this part.* (1) The regulations in this part apply to all accounts, records, memoranda, documents, papers, and correspondence prepared by or on behalf of the public utility or licensee as well as those which come into its possession in connection with the acquisition of property, such as by purchase, consolidation, merger, etc.

(2) The regulations in this part shall not be construed as requiring the preparation of accounts, records, or memo-

randa not required to be prepared by other regulations, such as the uniform system of accounts of the Commission.

(3) The regulations in this part shall not be construed as excusing compliance with any other lawful requirement for the preservation of records for periods longer than those prescribed herein.

(4) Unless otherwise specified in the annexed schedule, duplicate copies of records may be destroyed at any time: *Provided, however,* That such duplicate copies contain no significant information not shown on the originals and that precautions have been taken to assure the continued retention of the originals (or one true copy) for the full period required under the regulations in this part.

(5) Records other than those listed in the annexed schedule may be destroyed at the option of the public utility or licensee: *Provided, however,* That records which are used in lieu of those listed shall be preserved for the periods prescribed for records used for substantially similar purposes: *And, provided further,* That retention of records pertaining to added services, functions, plant, etc., the establishment of which cannot be presently foreseen, shall conform to the principles embodied in § 125.2.

(b) *Designation of supervisory official.* Each public utility or licensee subject to the regulations in this part shall designate one or more officials to supervise the preservation and the authorized destruction of its records.

(c) *Protection and storage of records.* The public utility or licensee shall protect records subject to the regulations in this part from damage from fires, floods, and other hazards and, in the selection of storage spaces, safeguard the records from unnecessary exposure to deterioration from excessive humidity, dryness, or lack of proper ventilation.

(d) *Index of records.* At each office of the public utility or licensee where records are kept or stored, such records as are herein required to be preserved shall be so arranged, filed, and currently indexed that they may be readily identified and made available to representatives of the Commission. In the general offices of the public utility or licensee a master index shall be available showing the physical location of the various classes of records at each storage place, the periods to which such classes of records relate, and locations, names, and titles of the custodians.

(e) *Preservation of records on microfilm.* (1) As indicated in § 125.2 *Schedule of records and periods of retention,* certain records may be microfilmed and the film retained in lieu of the original records: *Provided,* The procedures prescribed herein are followed.

(2) Indicators are used in the Schedule to designate those records for which microfilms will be accepted in lieu of the original records.

M—Indicates that microfilms may be substituted for retention of the original records at any time after the use of the records for current recording purposes has been discontinued.

M 10, M 6, etc.—Indicates that microfilms may be substituted for retention of the original records only after the original records have been retained in their original form for the number of years corresponding to the numeral.

ME—Indicates records for which microfilms may be substituted for retention of the original records only for the period subsequent to the expiration, cancellation, supersedure, or other condition shown in the column, Period to be Retained. Thus, for Item 9 (e), microfilms are not acceptable for current contracts; however, they are acceptable for expired or cancelled contracts the retention period for which is six years after expiration or cancellation.

(3) Absence of any of the "M" indicators explained above indicates that microfilms may not be substituted for retention of the records described.

(4) Prior to photographing, the records shall be so prepared, arranged, classified, and identified as readily to permit the subsequent location, examination, and reproduction of the photographs thereof. Any significant characteristic, feature, or other attribute of the original records which photography would not reflect clearly (e. g., that the record is a copy or that certain figures thereon are red) shall be so indicated on the records at the time of such arrangement, classification, and identification. When a number of the records to be microfilmed have in common such a characteristic or attribute, an appropriate notation identifying the characteristic or attribute may be indicated in a statement at the beginning of the roll of film instead of on each individual record.

(5) Each roll of film shall include a microfilm of a certificate or certificates stating that the photographs are direct and facsimile reproductions of the original records and that they have been made in accordance with prescribed instructions. Such certificate or certificates shall be executed by a person or persons having personal knowledge of the facts covered thereby.

(6) The photographic matter on each roll shall commence and end with a statement as to the nature and arrangement of the records reproduced, the name of the photographer, and the date. Rolls of film shall not be cut. Supplemental or retaken film, whether of misplaced or omitted documents or of portions of a film found to be spoiled or illegible or of other matter, shall be attached to the beginning of the roll, and in such event the aforementioned certificate or certificates shall cover also such supplemental or retaken film and shall state the reasons for taking such film.

(7) All film stock shall be of approved permanent-record microcopying type of 16-mm or 35-mm size, either perforated or unperforated, such as meets the minimum specifications of the National Bureau of Standards. (Such film stock may be identified by a manufacturer's mark, a solid triangle after the word "safety" in the edge marking of the film.) The photographing and processing shall be such that reproductions on photographic paper can be made, similar in size without significant loss of clarity of detail, during the period prescribed in this part for the retention of the records concerned. The public utility or licensee shall be prepared to furnish, at its own expense, appropriate standard facilities for reading the microfilm. If the Commission so directs, the public utility or licensee shall furnish photographic reproductions of any records the originals of which have been destroyed under the provisions of this instruction.

(8) The microfilm shall be indexed and retained in such manner as will render them readily accessible and identifiable. They shall be stored in such manner as to provide reasonable protection from hazards such as fire, flood, theft, etc. The films should be cared for in such manner as to prevent cracking, breaking, splitting, etc.

(f) *Destruction of records.* The destruction of the records permitted to be destroyed under the provisions of the regulations in this part may be performed in any manner elected by the public utility or licensee concerned. Precautions should be taken, however, to macerate or otherwise destroy the legibility of records, the content of which is forbidden by law to be divulged to unauthorized persons.

(g) *Premature destruction.* When any records are destroyed before the expiration of the prescribed period of retention, a certified statement listing, as far as may be determined, the records destroyed and describing the circumstances of accidental or other premature destruction shall be filed with the Commission within ninety (90) days from the date of discovery of such destruction. Discovery of loss of records is to be treated in the same manner as in the case of premature destruction.

(h) *Schedule of records.* The schedule of records annexed hereto shows the periods of time that designated records shall be preserved and the records for which microfilms may be substituted for retention of the original records, in accordance with the foregoing instructions.

INDEX TO SCHEDULE OF RECORDS AND PERIODS OF RETENTION

CORPORATE AND GENERAL

PLANT AND DEPRECIATION RESERVE

22. Plant and construction ledgers.
23. Construction work orders.
24. Retirement work orders.
25. Plant additions and retirements not covered by work orders.
26. Appraisals and valuations.
27. Records of plant units.
28. Maps.
29. Engineering records.
30. Contracts and other agreements.
31. Reclassification of plant accounts.
32. Reserve for depreciation of electric plant.

TREASURY

33. Statements of funds and deposits.
34. Deposits with banks and others.
35. Receipts and disbursements.

REVENUE ACCOUNTING AND COLLECTING

36. Customers' service applications and contracts.
37. Rate schedules.
38. Customers' guarantee deposits.
39. Meter reading sheets and records.
40. Maximum demand charts and demand meter record cards.
41. Miscellaneous billing data.
42. Revenue summaries.
43. Customers' ledgers and records used in lieu thereof.
44. Merchandise sales—accounting and collecting.
45. Collection reports and records.
46. Customers' account adjustments.
47. Uncollectible accounts and customers' credit records.

PAY ROLL AND PERSONNEL RECORDS

48. Pay roll records.
49. Assignments, attachments, and garnishments.
50. Personnel records.
51. Employees' welfare and pension records.
52. Instructions to employees and others.
53. Organization diagrams and charts.

PURCHASES AND STORES

54. Purchases.
55. Material ledgers.
56. Materials and supplies received and issued.
57. Sales of scrap and materials and supplies.
58. Inventories of materials and supplies.

OPERATIONS

59. Production.
60. Transmission and distribution.
61. Customers' service.
62. Auxiliary and other operations.

STATISTICS

63. Financial, operating, and statistical reports regularly prepared in the course of business.
64. Reports to stockholders.
65. Reports to Federal and State regulatory commissions.
66. Miscellaneous statistical reports.
67. Tabulating cards.

MISCELLANEOUS

68. Maintenance work orders and job orders.
69. Estimates of future operating expenditures.
70. Injuries and damages.
71. Correspondence.
72. Other miscellaneous records.
73. Duplicate accounts, records, and memoranda.

2. Section 125.2 *Schedule of records and periods of retention*, be amended to read as follows:

§ 125.2 *Schedule of records and periods of retention.* Schedule of records and periods of retention are:

CORPORATE AND GENERAL

Description of records	Period to be retained	Microfilm indicator
1. Capital stock records:		
(a) Capital stock ledgers	Permanently	M
(b) Capital stock subscription accounts	3 years	M
(c) Subscription notices and requests for allotment	do	M
(d) Stubs or similar records of capital stock certificates	Permanently	M
(e) Stock transfer registers	do	M
(f) Papers pertaining to or supporting transfers of capital stock	3 years	M
(g) Canceled capital stock certificates or certificates of destruction thereof.	Permanently	M
(h) Change of address notices of stockholders	Destroy at option after entries to records.	M
(i) Dividend notices and letters to stockholders (1 copy of each in connection with each dividend declaration).	Permanently	M
(j) Dividend registers	6 years	M
2. Bond records:		
(a) Registered bond ledgers	3 years after redemption	ME
(b) Bond subscription accounts	3 years	M
(c) Subscription notices and requests for allotment	do	M
(d) Stubs or similar records of bonds issued	3 years after redemption	ME
(e) Papers pertaining to or supporting transfers of registered bonds.	3 years	M
(f) Records of interest coupons paid and unpaid	Destroy at option in compliance with note below.	M
(g) Canceled bonds and paid interest coupons	do	
NOTE: When any canceled bonds, receivers' certificates, notes, or interest coupons are destroyed, a certificate of destruction giving full descriptive reference to the documents destroyed shall be made by the person or persons authorized to perform such destruction and shall be retained permanently by the utility. When documents represent debt secured by mortgage, the certificates of destruction shall also be authorized by a representative of the trustees acting in conjunction with the person or persons destroying the documents or shall have the trustees' acceptance thereon.		
3. Authorizations from regulatory bodies for issuance of securities:		
(a) Copies of applications to regulatory bodies for authority to issue stocks, bonds, and other securities, including copies of exhibits in support of such applications.	Permanently	M 10
(b) Official copies of opinions and orders of regulatory bodies granting authority to issue securities.	do	M 10
(c) Reports filed with regulatory bodies in compliance with authorizations to issue securities. (Reports of sales of securities, of application of proceeds, etc.) File copies of such reports and supporting papers.	do	M 10
4. Copies of registration statements and other data filed with the Securities and Exchange Commission in connection with offerings of securities for sale to the public, or the listing of securities on exchanges, including supporting papers; also copies of periodic reports and supporting papers filed in compliance with either the Securities Act of 1933 or the Securities Exchange Act of 1934.	do	M 10
5. Proxies and voting lists:		
(a) Proxies of holders of voting securities	3 years	M
(b) Lists of holders of voting securities represented at meetings.	6 years	M
6. Minute books of stockholders', directors', and directors' committee meetings.	Permanently	
7. Titles, franchises, and licenses:		
(a) Deeds and other title papers (including abstracts of title and supporting data).	6 years after property is disposed of unless surrendered to transferee.	
(b) Corporate charters of certificates of incorporation	Permanently	
(c) Franchises and certificates authorizing operations as a public utility.	do	
(d) Licenses (including amendments thereof) granted by Federal or State authorities for construction and operation of dams, reservoirs, power houses, etc.	do	
(e) Copies of formal orders of regulatory commissions served upon the utility.	do	
8. Permits:		
(a) Permits and granted applications for the use of facilities of others.	6 years after expiration or cancelation.	ME
(b) Copies of permits and applications granted others for the use of the utility's facilities.	do	ME
(c) Applications for the use of facilities not granted and copies of such applications.	Destroy at option	
(d) Permits of a temporary nature from municipalities or others to perform specific work, such as permits to open streets and place poles, and copies of petitions for such permits.	do	
9. Contracts and agreements (see also item 30):		
(a) Service contracts, such as for management, accounting, and financial services.	See item 12b (2) if they affect cost of plant; otherwise, 10 years after expiration or cancelation.	ME
(b) Contracts with other electric utilities for the purchase, sale, or interchange of electric energy.	6 years after expiration or cancelation.	ME
(c) Leases pertaining to rentals of property to or from others	do	ME
(d) Contracts and agreements with individual employees, labor unions, company unions, and other employee organizations relative to wage rates, hours, and similar matters.	do	ME
(e) Contracts and agreements with employees and associated companies for the purchase or sale of the company's own securities.	do	ME
(f) Memoranda clarifying or explaining provisions of contracts listed above.	For same periods as contracts to which they relate.	ME
(g) Card or book records of contracts, leases, and agreements made, showing dates of expirations and of renewals, memoranda of receipts and payments under such contracts, etc.	do	ME
(h) Summaries and abstracts of contracts, leases, and agreements covered by items above.	Destroy at option	

CORPORATE AND GENERAL—Continued

Description of records	Period to be retained	Microfilm indicator
10. General and subsidiary ledgers:		
(a) General ledgers and ledgers subsidiary or auxiliary thereto except customers' and stores ledgers provided for elsewhere.	Permanently	
(b) Indexes to general and subsidiary ledgers	do	
(c) Trial balance sheets of general and subsidiary ledgers	10 years	
11. Journals: General and subsidiary journals, including departmental and divisional journals.	Permanently	
12. Journal vouchers and journal entries:		
(a) General, departmental, divisional, and petty journal vouchers.	do	
(b) Material and supplies disbursement and labor distribution records supporting journal vouchers:		
(1) Affecting operations and maintenance only	10 years	
(2) Affecting plant	(1)	
NOTE: Time tickets and material issued and material returned tickets may be destroyed at option if the basic information contained thereon is transcribed to other records, if such other records are retained in accordance with this instruction. Basic information as regards time tickets includes, as a minimum, for the purpose of this instruction, identification of work performed, hours worked, and distribution of time to proper job or account. For material and material returned tickets basic information, as a minimum, for the purpose of this instruction, includes identification of material by code or otherwise, quantity, and distribution.		
(c) Papers forming part of or necessary to explain journal vouchers except as covered by item 12 (b), above.	Permanently	
(d) Schedules for recurring journal entries	Destroy when superseded	
(e) Lists of standard journal entry numbers	do	
13. Cash books:		
(a) Treasurers' and auditors' general cash books	Permanently	
(b) Cash books subsidiary or auxiliary to general cash books, except those showing solely collections from customers.	do	
(c) Subsidiary cash records showing solely customers' collections.	6 years	M
(d) Other cash books of a memorandum nature	3 years	M
14. Voucher registers:		
(a) Voucher distribution registers	Permanently	
15. Vouchers:		
(a) Paid and canceled vouchers (1 copy), analysis sheets showing detailed distribution of charges on individual vouchers and other supporting papers.	Those relating to charges to plant—Permanently, others—10 years.	
(b) Original bills and invoices for materials, services, etc., paid by vouchers and which should be attached thereto.	do	(2)
(c) Paid checks and receipts for payments by voucher or otherwise.	6 years	M
(d) Authorizations for the payment of specific vouchers	10 years	M
(e) Lists of unaudited bills (accounts payable), lists of vouchers transmitted and memoranda regarding changes in unaudited bills.	Destroy at option	
(f) Voucher indexes	6 years	
16. Accounts receivable (see items 43 and 44 for accounts with customers for electric service and for merchandise sales):		
(a) Records of accounts receivable pertaining to sales of electric plant.	10 years	
(b) Record or register of accounts receivable and indexes thereto and summaries of distribution.	6 years	M
(c) Accounting department copies of invoices issued and supporting papers which do not accompany the original invoices.	do	M
(d) Authorizations for charges including supporting papers	do	M
(e) Periodic statements of unsettled accounts, except trial balances.	1 year	
(f) Schedule of invoices to be issued	Destroy at option	
17. Records of securities owned: Records of securities owned, in treasury, or with custodians.	6 years	

[1] 12 (b) (2) 10 years, if (a) accounting adjustments resulting from reclassification and original cost studies have been approved by the regulatory commissions having jurisdiction; and (b) continuing plant inventory records are maintained, or (c) chronological distributions appear in work order records or cost ledger; otherwise, permanently.

[2] For invoices charged to stores (Account 131, Materials and Supplies, of the present system of accounts) microfilms may be substituted for retention of the original invoices after 6 years if dates, voucher references, amounts, and other pertinent details have been transcribed to materials ledger sheets and the materials ledgers are preserved as required by items 55 (a) and 12 (b). This permission shall not apply to voucher jackets or distribution sheets to which the invoices may be attached.

CORPORATE AND GENERAL—Continued

Description of records	Period to be retained	Microfilm indicator
18. Insurance records:		
(a) Ledgers, cards, or other records of insurance policies in force, showing coverage, premiums paid, and expiration dates.	6 years after expiration of policies	ME
(b) Records of self-insurance against losses from fire, casualties, and damages to property of others or to persons.	6 years	M
(c) Detailed schedules or spread sheets of monthly insurance charges to operating expenses and other accounts.	do	M
(d) Detailed schedules of monthly accruals for self-insurance	do	M
(e) Insurance policies	6 years after expiration	ME
(f) Records of amounts recovered from insurance companies in connection with losses and of claims against insurance companies, including reports of losses and supporting papers.	6 years	M
(g) Inspectors' reports and records of condition of property	1 year after superseded	ME
(h) Reports of minor losses not covered by insurance or less than minimum amount collectible.	3 years	M
(i) Insurance maps of property and structures erected thereon	During life of property	
(j) Records and statements relating to insurance requirements	Destroy at option	
19. Tax records:		
(a) Copies of schedules, returns, and supporting working papers to taxing authorities and records of appeals:		
(1) Federal income, excess profits, undistributed income, and capital stock taxes.	20 years	
(2) State income taxes	do	
(3) Other taxes	do	
(b) Tax bills from taxing authorities and receipts for payment	See item 15 (b)	
(c) Summaries of taxes paid by classes of taxes and by location	6 years	
(d) Summaries of taxes paid by taxing districts	do	
(e) Schedules of monthly accruals by classes of taxes and supporting papers showing how estimates of taxes to be paid were determined.	do	
(f) Restatements of schedules of taxes paid after giving effect to refunds and additional assessments.	do	
20. Accountants' and auditors' reports:		
(a) Reports of examinations and audits by accountants and auditors not in the regular employ of the utility. (Including reports of public accounting firms and regulatory commission accountants.)	Permanently	
(b) Internal audit reports and working papers	3 years	
21. Tabulating machine records (not including billing machine records):		
(a) Tabulating or punched cards used in assembling figures to be posted to an account:		
(1) Where a printed sheet or tape showing voucher number, account number, and amount on each sheet is not preserved:		
(i) Affecting operations and maintenance only	10 years	
(ii) Affecting plant	(1)	
(2) Where a printed sheet or tape described in (1) above is preserved.	Destroy at option of utility	
(b) Printed sheets or tapes showing the details and summaries of accounting data indicated on the punched cards:		
(1) Affecting operations and maintenance only	10 years	
(2) Affecting plant	(1)	

PLANT AND DEPRECIATION RESERVE

22. Plant and construction ledgers:		
(a) Ledgers of electric plant accounts, including land and other detailed ledgers, showing the cost of electric plant by classes.	Permanently	
(b) Construction work in progress ledgers	do	
23. Construction work orders and supplemental records:		
(a) Work order sheets to which are posted in summary form or in detail the entries for labor, materials, and other charges for electric plant additions and the entries closing the work orders to electric plant in service at completion.	do	
(b) Authorizations for expenditures for additions to electric plant, including memoranda showing the detailed estimates of cost and the bases therefor (including original and revised or subsequent authorizations).	Relating to production plant, transmission lines, and transmission substations—6 years after plant has been retired. Other plant—10 years.	

[1] 10 years, if (a) accounting adjustments resulting from reclassification and original cost studies have been approved by the regulatory commissions having jurisdiction; and (b) continuing plant inventory records are maintained, or (c) chronological distributions appear in work order records or cost ledger; otherwise, permanently.

PLANT AND DEPRECIATION RESERVE—Continued

Description of records	Period to be retained	Microfilm indicator
23. Construction work orders and supplemental records—Con.		
(c) Requisitions and registers of authorizations for electric plant expenditures.	Relating to production plant, transmission lines, and transmission substations—7 years after plant has been retired. Other plant—10 years.	
(d) Completion or performance reports showing comparison between authorized estimates and actual expenditures for electric plant additions.	do	
(e) Analysis or cost reports showing quantities of materials used, unit costs, number of man-hours, etc., in connection with completed construction projects.	Permanently	
(f) Records and reports pertaining to progress of construction work, the order in which jobs are to be completed, and similar records which do not form a basis of entries to the accounts.	Destroy at option	
24. Retirement work orders and supplemental records:		
(a) Work order sheets to which are posted the entries for removal costs, materials recovered, and credits to electric plant accounts for cost of plant retired.	Permanently	
(b) Authorizations for retirement of electric plant, including memoranda showing the basis for determination of cost of plant to be retired and estimates of salvage and removal costs.	10 years	
(c) Registers of retirement work orders	do	
25. Summary sheets, distribution sheets, reports, statements, and papers directly supporting debits and credits to electric plant accounts not covered by construction or retirement work orders and their supporting records.	Permanently	
26. Appraisals and valuations made of the utility's property and all records, reports, and data pertaining thereto.	do	
27. Book or card records showing description, location, quantities, cost, etc., of physical units (or items) of electric plant owned.	Until record is superseded or 6 years after plant is retired, provided mortality data are retained.	
28. Maps showing the location and physical characteristics of production, transmission, and distribution systems of the utility.	Until map as superseded or 6 years after plant is retired, etc. (as above).	
29. Engineering records in connection with construction projects:		
(a) Maps, diagrams, profiles, plans, photographs, records of engineering studies, and similar records in connection with proposed construction projects:		
(1) If construction of project results wholly or in part	Until record is superseded or 6 years after plant is retired.	
(2) If construction of project does not result	Destroy at option 6 years after completion accounting for expenses incurred.	
30. Contracts and other agreements relating to electric plant:		
(a) Contracts relating to acquisition or sale of plant	Permanently	
(b) Contracts and other agreements relating to services performed in connection with construction of electric plant of the utility (including contracts for the construction of plant by others for the utility and for supervision and engineering relating to construction work).	6 years after plant is retired	
31. Records pertaining to reclassifications of electric plant accounts to conform to prescribed systems of accounts, including supporting papers showing the bases for such reclassifications.	Permanently	
32. Records of reserve for depreciation of electric plant:		
(a) Detailed records or analysis sheets segregating the depreciation reserve according to functional classifications of plant.	do	
(b) Records supporting computation of depreciation expense of electric plant, including such data as life and salvage studies.	do	

TREASURY

Description of records	Period to be retained	Microfilm indicator
33. Statements of funds and deposits:		
(a) Summaries and periodic statements of cash balances on hand and with depositories.	3 years	M
(b) Statements of managers and agents' cash balances on hand and with depositories.	2 years	M
(c) Authorizations for and statements of transfer of funds from one depository to another.	do	M
(d) Requisitions and receipts for funds furnished managers, agents, and others.	May be destroyed at option after funds have been returned or accounted for.	
(e) Records of fidelity bonds of employees and others responsible for funds of the utility.	Until liability of bonding company has expired.	
(f) Reports and estimates of funds required for general and special purposes.	2 years	M

TREASURY—Continued

Description of records	Period to be retained	Microfilm indicator
34. Records of deposits with banks and others:		
(a) Bank deposit books	1 year	
(b) Copies of bank deposit slips	do	
(c) Advice of deposits made when information thereon is shown on other records which are retained.	Destroy at option	
(d) Statements from depositories showing the details of funds received, disbursed, transferred, and balances on deposit.	6 years	M
(e) Bank reconcilement papers	1 year	
(f) Statements from banks of interest credits	3 years	
(g) Check stubs, registers, or other records of checks issued	6 years	
(h) Correspondence and memoranda relating to the stopping of payment of bank checks and to the issuance of duplicate checks.	do	M
35. Records of receipts and disbursements:		
(a) Daily or other periodic statements of receipts or disbursements of funds.	3 years	M
(b) Records of periodic statements of outstanding vouchers, checks, drafts, etc., issued and not presented.	2 years	M
(c) Reports of managers and agents, showing working fund transactions, and summaries thereof.	3 years	M
(d) Reports of revenue collections by field cashiers, pay stations, etc.	2 years	M

REVENUE ACCOUNTING AND COLLECTING

Description of records	Period to be retained	Microfilm indicator
36. Customers' service applications and contracts:		
(a) Applications for electric service for which contracts have been executed.	Destroy at option	
(b) Applications for electric service used in lieu of contracts	1 year after service is discontinued	
(c) Contracts and card files or other records thereof with customers for electric service. (See also item 9 (b).)	1 year after expiration or cancelation	
(d) Applications for electric service which were withdrawn by applicant or not granted by the utility.	1 year	
(e) Contracts or sales agreements with customers and others for sale of electric merchandise and appliances.	1 year after sales agreement is discharged.	
(f) Contracts for lease of motors, transformers, and other equipment to customers, including receipts for same.	1 year after expiration of contract or return of equipment.	
(g) Applications and contracts for extension of lines covered by refundable deposits or guarantees of revenue, also records pertaining to such contracts.	1 year after entire amount is refunded	
(h) Applications and contracts for extension of lines for which donations or contributions are made by customers or others.	Permanently	M
37. Rate schedules:		
(a) General files of published rate sheets and schedules of electric service. (Including schedules suspended or superseded.)	do	
(b) Divisional or local office copies of rate sheets and schedules of electric service.	1 year after expiration or cancelation	
38. Customers' guarantee deposits:		
(a) Customers' deposit ledgers or card records	6 years after refund	ME
(b) Customers' deposit certificate books	do	ME
(c) Receipts for customers' deposits refunded	do	ME
(d) Receipts for interest on customers' deposits	do	ME
39. Meter reading sheets and records:		
(a) Superseded meter reading sheets	3 years after superseded or service has been discontinued.	M
(b) Meter reread sheets (special readings to check high or low consumption).	3 years	M
(c) Customers' reading cards	do	M
(d) Connection and disconnection orders	do	M
(e) Superseded indexes to meter books	3 years after superseded or service has been discontinued.	M
40. Maximum demand charts and demand meter record cards	6 years	M
41. Miscellaneous billing data:		
(a) Connected load cards of customers	1 year after displaced or superseded	M
(b) Records of residence room counts	do	M
(c) Billing department's copies of contracts with customers (in addition to contracts in general files).	Destroy at option after expiration	M
(d) Service and inspection orders from which customers are charged and sundry charge advices.	3 years	M
(e) Authorizations for charges under power contracts	1 year after expiration of contract	M
(f) Standard billing sheets or schedules (showing computed bills of varying consumption according to rates).	Destroy at option	
42. Revenue summaries:		
(a) Summaries of monthly operating revenues according to classes of service for entire electric utility.	6 years	

Revenue Accounting and Collecting—Continued

Description of records	Period to be retained	Microfilm indicator
42. Revenue summaries—Continued		
(b) Summaries of monthly operating revenues according to classes of service by towns, districts, or divisions. (Including summaries of forfeited discounts and penalties.)	6 years	
43. Customers' ledgers and other records used in lieu thereof:		
(a) Customers' ledgers	do	M
(b) Records used in lieu of customers' ledgers, such as bill summaries, registers, bill stubs, etc.	do	M
(c) Copies of large power bills:		
If details are transcribed to ledgers covered by item (a) above.	Destroy at option	
If details are not transcribed to ledgers	6 years	M
(d) Trial balances of ledgers referred to above	3 years	M
(e) Indexes to customers' accounts	6 years	
(f) Change of address notices	Destroy at option	
(g) Cards and other records relating to forfeited discounts	3 years	M
(h) Special ledger records of customers exempt from taxes on electricity.	6 years	M
44. Merchandise sales—accounting and collecting:		
(a) Merchandise sales tickets (duplicates) and charge slips for work done.	Destroy at option after annual audit and 6 months after account is settled.	
(b) Merchandise sales journals or registers and summaries of sales.	6 years	M
(c) Merchandise ledgers and installment records	3 years after completion of payments	ME
(d) Merchandise sales returns and adjustment tickets	Destroy at option after annual audit and 6 months after account is settled.	
(e) Cashiers' stubs for merchandise collections	3 years	M
(f) Cashiers' periodic reports and statements of collections on merchandise accounts.	do	M
(g) Records of monthly statements to customers	Destroy at option	
(h) Reports relating to status of merchandise accounts receivable.	1 year	M
(i) Job orders and supporting details of charges to customers for work done.	3 years	M
(j) Indexes and trial balances of merchandise ledgers	do	M
45. Collection reports and records:		
(a) Periodic reports, lists, and summaries of collections of operating revenues by collectors, agents, and local or divisional or district offices. (See item 35 (d).)	2 years	M
(b) Bill stubs, copies of bills, collection slips, and other records pertaining to collections, summarized or detailed in daily or periodic cash reports.	1 year	M
(c) Memorandum records of remittances from local or branch offices.	do	M
NOTE: See item 34 pertaining to deposits of cash with banks. Item 34 applies to all bank accounts whether at general, local, or divisional offices.		
46. Customers' account adjustments:		
(a) Detailed records pertaining to adjustments of customers' accounts for overcharges, undercharges, and other errors, results of which have been transcribed to other records.	1 year	M
(b) Detailed records of high-bill complaints whether or not resulting in adjustments to customers' accounts.	do	M
47. Uncollectible accounts and customers' credit records:		
(a) Records of ratings, credit classifications, and investigations of customers.	Destroy at option	
(b) Ledger accounts and supporting details of customers' accounts considered to be uncollectible.	For period legally collectible	M
(c) Reports and statements showing age and status of customers' accounts.	1 year	M
(d) Data on unpaid final bills	do	M
(e) Authorizations for writing off customers' accounts	6 years	M

Payroll and Personnel Records

Description of records	Period to be retained	Microfilm indicator
48. Payroll records:		
(a) Payroll sheets or registers of payments of salaries and wages to individual officers and employees. (See item (k) below for pension or annuity payrolls and item 23 (a) for construction payrolls.)	10 years	
(b) Records showing the distribution of salaries and wages paid to officers and employees for each monthly, semimonthly, or weekly payroll period and summaries or recapitulation statements of such distribution.	See item 12 (b)	
(c) Time tickets, time sheets, time books, time cards, work men's reports and other records showing hours worked, description of work, and accounts to be charged.	do	
(d) Paid checks, receipts for wages paid in cash, and other evidences of payments for services rendered by employees.	3 years	M
(e) Receipts for payrolls and pay checks delivered to paymasters or other employees for distribution.	Destroy at option	
(f) Applications and authorizations for changes in wage and salary rates, summaries and reports of changes in payrolls, and similar records.	3 years	M
(g) Applications for payroll changes not authorized	Destroy at option	
(h) Payroll authorizations and records of authorized positions	3 years	M
(i) Records of deductions from payrolls for social security taxes	4 years	M
(j) Comparative or analytical statements of payrolls	6 years	M
(k) Pension or annuity payrolls	10 years	
49. Assignments, attachments, and garnishments:		
(a) Record of assignments, attachments, and garnishments of employees' salaries, including files of notices, etc., pertaining thereto.	3 years	M
(b) Minors' salary releases	Destroy at option	
50. Personnel records:		
(a) Employees' service records, attendance, length of service, and other pertinent data.	3 years after termination of employment.	ME
(b) Applications for employment, requests for medical examination, medical examiner's report, photographs, and other identification records, and other miscellaneous records pertaining to the hiring of employees.	Destroy at option	
51. Employees' welfare and pension records:		
(a) Records pertaining to employees' recreational, educational, hospital, benefit, accident prevention, and similar activities.	6 years	M
(b) Detailed records showing computations of accruals for pension liabilities.	Permanently	
52. Instructions to employees and others:		
(a) Bulletins or memoranda of general instructions to employees pertaining to accounting, engineering, operating, maintenance, or construction methods and procedure. (If copies of instructions covered by (a) above are kept in the general files of the department in which the complete official file is maintained, other copies in the various departments may be destroyed after expiration or cancelation.)	Permanently for major broad changes in accounting practices; for other bulletins, memoranda, or general instructions, 6 years after expiration or supersession.	
(b) Notices to employees on matters of discipline, deportment, and other similar subjects.	Destroy at option	
NOTE: If copies of instructions covered by (a) above are kept in the general files of the department in which the complete official file is maintained, other copies in the various departments may be destroyed after expiration or cancelation.		
53. Organization diagrams and charts	do	

Purchases and Stores

Description of records	Period to be retained	Microfilm indicator
54. Purchases:		
(a) Advices or requisitions from storekeeper and others for the purchase of materials and supplies or services.	Destroy at option	
(b) Bids received from vendors in connection with the purchases of materials and supplies.	3 years	M
(c) Purchasing department copy of purchase orders and specifications of materials ordered.	6 years	M
(d) Contracts for the purchase of materials and supplies:		
(1) Contracts for materials used directly in construction	(1)	
(2) Contracts for other material	6 years	
(e) Purchasing department copies of invoices for materials and supplies. (See item 15 (b) for original invoices.)	Destroy at option	
(f) Registers or similar records of invoices	6 years	
(g) Price records or indexes of purchases	Destroy at option	
(h) Advices from vendors acknowledging receipt of orders for materials and supplies, notices of shipment, packing slips, and copies of bills of lading.	do	
(i) Receipts or delivery tickets issued for materials and supplies received in installments and subsequently surrendered with and in support of invoices or bills covering complete purchases.	do	
(j) Demurrage or car records showing periods freight cars are held on company sidings.	do	
(k) Copies of notices to vendors for materials and supplies returned for credit or repair.	do	

[1] 25 years, except that those relating to the construction of licensed projects, or additions or betterments thereto, for which the Commission has not determined the actual legitimate original cost, shall be retained 25 years and until such cost has been determined.

PURCHASES AND STORES—Continued

Description of records	Period to be retained	Microfilm indicator
54. Purchases—Continued		
(l) Lists or records of invoices transmitted to or from storekeepers.	Destroy at option	
(m) Records and reports used for checking and tracing materials and supplies covered by invoices provided for in item (e) above.	do	
55. Material ledgers:		
(a) Ledger sheets and card records of materials and supplies received, issued, and on hand.	See item 12 (b)	
(b) Statements of materials and supplies on hand, per ledgers	3 years	M
56. Materials and supplies received and issued:		
(a) Records and reports pertaining to receipt of materials and supplies.	do	M
(b) Records of inspecting and testing materials and supplies	Destroy at option	
(c) Records showing the detailed distribution of materials and supplies issued during accounting periods.	See item 12 (b)	
(d) Material disbursement tickets showing quantities, unit prices, and accounts to be charged for materials and supplies issued from stores for use.	do	
(e) Materials returned credit slips, showing details of materials returned to stock.	do	
(f) Requisitions and receipts for materials and supplies issued, the details of the issues being set forth in the material disbursement tickets.	Destroy at option	
(g) Records and reports of materials and supplies transferred from one department, storeroom, or division to another.	3 years	M
(h) Records and reports of materials recovered and returned to stock if transcribed to records covered by item (c) above.	do	M
(i) Records and reports of materials and supplies issued to individuals or gangs of employees to be accounted for when used or returned to stock.	After being accounted for	
(j) Minor records and reports pertaining to materials and supplies not involving costs or final disposition, such as reports of unfilled requisitions, authorizations for additions to stock, and similar records; also, storeroom copies of purchase orders and price records, other copies being retained in files of purchasing department.	Destroy at option	
57. Records of sales of scrap and materials and supplies:		
(a) Authorizations for sale of scrap and materials and supplies	6 years	M
(b) Contracts for sale of scrap and materials and supplies	do	M
(c) Memoranda pertaining to sale of scrap and materials and supplies.	do	M
58. Inventories of materials and supplies:		
(a) General inventories of materials and supplies on hand with records of adjustments of accounts required to bring stores records into agreement with physical inventories.	3 years	M
(b) Stock cards, inventory cards, and other detailed records pertaining to the taking of inventories if abstracted into records covered by (a) above.	Destroy at option	
(c) Minor inventories of materials and supplies on hand if not reflected in adjustments of accounts.	do	

OPERATIONS

59. Production:		
(a) Boiler room, condenser room, turbine room, and pump room logs, including supporting data.	3 years	M
(b) Boiler room and turbine room reports of equipment in service and performance.	do	M
(c) Boiler-tube failure report	do	M
(d) Generation and output logs with supporting data	6 years	M
(e) Station and system generation reports	(1)	
(f) Generating high-tension and low-tension load records	6 years	M
(g) Oil and waste reports	3 years	M
(h) Load curves, temperature logs, coal and water logs	do	M
(i) Gage-reading reports	3 years, except river flow data collected in connection with hydro-operation shall be retained permanently.	
(j) Recording instrument charts	3 years	M
(k) Load dispatcher's and station permits	do	M

[1] 25 years, except that those relating to licensed projects, or additions or betterments thereto, for which the Commission has not determined the actual legitimate original cost, shall be retained 25 years and until such cost has been determined.

OPERATIONS—Continued

Description of records	Period to be retained	Microfilm indicator
60. Transmission and distribution:		
(a) Substation and transmission line logs	6 years	M
(b) System operator's daily logs and reports of operation	do	M
(c) Storage battery and other equipment logs and records	3 years	M
(d) Interruption logs and reports	6 years	M
(e) Records of substation general inspections and operation tests.	3 years	M
(f) Apparatus failure reports	6 years	M
(g) Line-trouble reports and records	3 years	M
(h) Lightning and storm data	6 years	M
(i) Insulator test records	3 years	M
(j) Reports on inspections and repairs of all street openings	6 years	M
(k) Records of meter tests	Until superseding test but not less than 2 years.	
(l) Meter shop reports (monthly reports summarizing tests, repairs, etc.).	6 years	M
(m) Meter history records	For life of meter	
(n) Transformer history records	For life of transformer	
(o) Records of transformer inspections, oil tests, etc.	6 years	M
(p) Pole, tower, structure, equipment, and other history records.	For life of equipment	
NOTE: Life or mortality study data for depreciation purposes shall be retained permanently.[1]		
61. Customers' service:		
(a) Reports of inspections of customers' premises	3 years	M
(b) Records and reports of customers' service complaints	do	M
(c) Survey of customers' premises to determine type of service and equipment to be installed.	do	M
(d) Records of installed customers' appliances	do	M
62. Records of auxiliary and other operations: Records of operations other than electric utility operations.	For the same periods as prescribed in these regulations for similar records pertaining to electric operations.	

STATISTICS

63. Annual, quarterly, monthly, or other periodic financial, operating, and statistical reports regularly prepared in the course of business to show the results of electric operations and the financial condition of the utility, including supporting detailed reports and statements essential to verification of the main reports.	Annual reports permanently; other reports 6 years.	
64. Reports to stockholders:		
(a) Annual reports or statements to stockholders, file copies of and supporting papers.	Permanently	
(b) Written acknowledgments of receipts of reports to stockholders and written requests for copies of such reports.	Destroy at option	
65. Reports to Federal and State regulatory commissions:		
(a) Annual financial, operating, and statistical reports, file copies of, and supporting papers.	Permanently	
(b) Monthly and quarterly reports of operating revenues, expenses, and statistics, file copies of, and supporting papers.	3 years after current year	
(c) Special or periodic reports, including supporting papers, on the following subjects:		
(1) Transactions with associated companies	6 years	
(2) Budgets of expenditures	do	
(3) Accidents	do	
(4) Employees and wages	do	
(5) Loans to officers and employees	3 years after fully paid	
(6) Issues of securities (see items 3 (c) and 4)	Permanently	M 10
(7) Purchases and sales electric properties	do	
(8) Plant changes—units added and retired	do	
(9) Service interruptions	6 years	
(10) Other matters	do	
66. Miscellaneous statistical reports, statements, and summaries (not covered elsewhere in these regulations) prepared for administrative or operating purposes only and not used as the basis for entries to the accounts of the utility.	Destroy at option	
67. Tabulating cards used only in compilation of statistics, when the results are transcribed to other records covered by these regulations (see item 21).	Destroy at option after appropriate summaries have been made.	

[1] Do not microfilm.

MISCELLANEOUS

Description of records	Period to be retained	Microfilm indicator
68. Maintenance work orders and job orders:		
(a) Authorizations for expenditures for maintenance work to be covered by work orders, including memoranda showing the estimates of costs to be incurred.	6 years	
(b) Work order sheets to which are posted in detail the entries for labor, material, and other charges in connection with maintenance and other work pertaining to electric operations.	do	
(c) Summaries of expenditures on maintenance work orders and job orders and clearances to operating and other accounts (exclusive of plant accounts).	do	
69. Detailed estimates (and authorizations) of future annual or monthly expenditures to be incurred for operations, maintenance, and taxes by the utility or operating departments, districts, or divisions, including revisions of such estimates and memoranda showing reasons for revisions; also records showing comparison of actual expenses with estimated.	3 years	
70. Injuries and damages:		
(a) Claim registers, card or book indexes, and similar records in connection with claims presented against the utility in connection with accidents resulting in damages to the property of others or in personal injuries to employees and others.	6 years after settlement or rejection	ME
(b) Papers, reports, statements of witnesses, etc., relating to individual claims against the utility necessary to the support or rejection of such claims.	do	ME
(c) Other papers, reports, or statements, pertaining to accidents, resulting in property damages or personal injuries, not necessary to the support or rejection of claims.	Destroy at option	
(d) Detailed schedules or spread sheets of payments to others for personal injuries or for property damages.	6 years	M
(e) Detailed schedules of periodic accruals to reserves for injuries and damages or for self-insurance.	do	M
71. Correspondence:		
(a) Correspondence and indexes thereto relating to subjects covered by other items of these regulations.	For the period prescribed for the item to which it relates where necessary to a proper explanation of same.	(1)
(b) Stenographers' notebooks and dictaphone or other mechanical device records.	Destroy at option	
(c) Mailing lists of prospects for appliance sales, securities, etc.	do	
72. Other miscellaneous records:		
(a) Copies of advertisements of the utility in newspapers, magazines, and other publications, including records thereof.	6 years	M
(b) Receipts and records pertaining to delivery of articles to employees, such as badges, keys, and material receipt books.	Destroy at option after accounted for	
(c) Records of building space occupied by various departments of the utility.	6 years	M
(d) Indexes of forms used by company	do	M
(e) Transmittal lists or forms used for indicating papers and records forwarded from one department to another, provided such lists do not contain data affecting the accounts of the company.	Destroy at option	
73. Duplicate accounts, records, and memoranda: Duplicate copies of accounts, records, and memoranda listed in these regulations if all information on such duplicates is contained in the originals or other copies retained, and if such duplicates are not specifically provided for in these regulations.	do	

[1] As may be permitted for items to which correspondence relates.

(Sec. 309, 49 Stat. 858; 16 U. S. C. 825h. Interpret or apply secs. 301, 302, 303, 304, 49 Stat. 854, 855; 16 U. S. C. 825, 825a, 825b, 825c)

3. The amendments prescribed by this order shall become effective January 1, 1951.

4. The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

Date of Issuance: October 25, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-9551; Filed, Nov. 6, 1950; 8:52 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 4091, 21 U. S. C., and Sup., 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq., and 1949 Supp.) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq., and 1949 Supp.; 15 F. R. 1460) are amended as indicated below:

1. Section 141.29 (b) is amended to read as follows:

§ 141.29 *Procaine penicillin for aqueous injection.* * * *

(b) *Sterility.* Proceed as directed in § 141.2, except if it is the aqueous suspension of the drug and it does not contain a preservative, incubate all tubes for 14 days.

2. Section 146.47 (a), first sentence, is amended to read as follows:

§ 146.47 *Procaine penicillin for aqueous injection*—(a) *Standards of identity, strength, quality, and purity.* Procaine penicillin for aqueous injection is a dry mixture of procaine penicillin and one or more suitable and harmless suspending or dispersing agents, with or without one or more suitable and harmless buffer substances, or it is an aqueous suspension of procaine penicillin and one or more suitable and harmless suspending or dispersing agents, buffer substances, and preservatives, except that preservatives are not required if the immediate container is packaged to contain a single dose and is conspicuously so labeled. * * *

3. In § 146.101 *Streptomycin sulfate* * * *, paragraph (a) (6) is amended by changing the words "3.0 percent;" to read "5.0 percent;".

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup., 357)

This order, which provides for a 14-day sterility test for procaine penicillin suspensions that do not contain preservatives, for single-dose containers of procaine penicillin suspension without preservatives, and for increasing the moisture content of streptomycin and dihydrostreptomycin to 5 percent, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will be benefited by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the affected industries, and since it would be against public interest to delay providing for a 14-day sterility test for procaine penicillin suspensions that do not contain preservatives, for single-dose containers of procaine penicillin suspension without preservatives, and for increasing the moisture content of streptomycin and dihydrostreptomycin to 5 percent.

Dated: October 31, 1950.

[SEAL] A. J. ALTMEYER, *Acting Administrator.*

[F. R. Doc. 50-9877; Filed, Nov. 6, 1950; 8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART C—TRAINING FACILITIES

1. In § 21.531 (c) (1) (iii), "Schedule 1" is added before the schedule entitled "Sample of Detail Schedule of Teaching Salaries" and "Schedule 2" is added before "Sample Summary: Estimated Cost of Teaching Personnel and Supplies."

2. In § 21.531 (c) (1) (iii), the instructions for "columns 4 and 5," Schedule 1, are amended as follows:

§ 21.531 *Adjustment of tuition on the basis of the cost of teaching personnel and supplies for instruction.* * * *

(c) *Procedure for calculating the cost of teaching personnel and supplies for instruction.* (1) * * *

(iii) * * *

Columns 4 and 5. The definition of the cost of teaching personnel in paragraph (b) of this section should be studied carefully in order to determine the proper allocation of salaries between columns 4 and 5. Col-

umn 4 should include only that part of the salary of an individual which represents compensation for teaching. That part of such compensation for teaching which is paid from Federal funds, except Federal land-grant funds received under the Morrill-Nelson Acts (Morrill Acts of 1862 and 1890 and Nelson Amendment of 1907) and section 22 of the Bankhead-Jones Act of 1935, must be excluded from salaries reported in column 4.

* * * * *

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat, 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. and Sup. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended, Pub. Law 571, 81st Cong.; 38 U. S. C. and Sup. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation effective November 7, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-9820; Filed, Nov. 3, 1950; 8:49 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART C—TRAINING FACILITIES

PROVISIONAL REGULATIONS

A new § 21.694 is added as follows:

§ 21.694 *Application of the provisions of Public Law 571, 81st Congress with respect to the computation of estimated costs of teaching personnel and supplies for instruction in the case of land-grant colleges and universities*—(a) *Law.* Public Law 571, 81st Congress, provides:

That effective as of December 28, 1945, paragraph 5 of Part VIII of Veterans Regulation Numbered 1 (a), as amended, is amended by adding at the end thereof the following: "In the computation of such estimated cost of teaching personnel and supplies for instruction in the case of any college of agriculture and the mechanic arts, no reduction shall be made by reason of any payments to such college from funds made available pursuant to the Act entitled 'An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts', approved July 2, 1862, as amended and supplemented (U. S. C., 1946 edition, title 7, secs. 301–329, inclusive); and in the computation of such estimated cost of teaching personnel and supplies for instruction in the case of any nonprofit educational institution, no reduction shall be made by reason of any payments to such institution from State or municipal or other non-Federal public funds, or from private endowments or gifts or other income from nonpublic sources."

SEC. 2. Upon receipt of appropriate claims therefor, the Administrator of Veterans' Affairs is authorized to make adjustments in accordance with this act in contracts which are in effect on the date of approval of this act as well as prior contracts and is authorized to make back payments and refunds in accordance with such adjustments.

(b) *Policy.* Land-grant colleges and universities which now receive or have received adjusted tuition payments on the basis of estimated cost of teaching personnel and supplies for instruction may request the Veterans' Administration as prescribed herein to make adjustments in their present or prior contracts where Federal land-grant funds have been deducted in the computation of adjusted credit hour tuition rates and the Veterans' Administration will make payment of authorized adjustments in accordance with instructions provided herein. Federal land-grant funds are those received by land-grant colleges under the first Morrill Act of 1862, the second Morrill Act of 1890, the Nelson Amendment of 1907, and section 22 of the Bankhead-Jones Act of 1935. The Veterans' Administration will make adjustments as prescribed herein where adjusted tuition rates on a credit hour basis have been established and payments have been made by the Veterans' Administration as authorized under the provisions of §§ 21.446 or 21.475 where the adjusted compensation on a credit hour rate was calculated under § 21.531 (or prior Veterans' Administration directive, Circular 47, 1946). Such directives required deduction of Federal funds received by educational institutions including funds received under the Morrill-Nelson or Bankhead-Jones Acts. Where deductions were made pursuant to such regulations the Veterans' Administration will make payment of an adjustment as prescribed herein.

(1) Where educational institutions deducted Federal land-grant funds in the computation of tuition rates in accordance with Veterans' Administration Regulations, the Veterans' Administration will make payment of an adjustment under the provisions of Public Law 571, 81st Congress, upon a recomputation of the tuition rate and the filing of a request and claim by an educational institution in accordance with paragraph (c) (1) of this section.

(2) Where educational institutions did not deduct Federal land-grant funds under Veterans' Administration Regulations in the computation of tuition rates but the Veterans' Administration or the General Accounting Office pursuant to applicable Veterans' Administration directives did make deductions in lump sums from amounts due the educational institutions, the Veterans' Administration will make payment of an adjustment under the provisions of Public Law 571, 81st Congress, upon the filing of a reclaim in accordance with paragraph (c) (2) of this section.

(3) Where educational institutions did not deduct Federal land-grant funds pursuant to Veterans' Administration directives and no adjustment has been made in prior payments, the educational institution is not eligible for adjustment of tuition rates under the provisions of Public Law 571, 81st Congress. In such cases, contract rates for adjusted compensation on the basis of cost of teaching personnel and supplies for instruction will remain unaffected.

(c) *Application of law and policy.* Each land-grant college or university which is entitled to, and requests an adjustment in contract rates and payments made by the Veterans' Administration on the basis of estimated cost of teaching personnel and supplies for instruction as provided herein, will be required to file an appropriate request and claim under the provisions of either subparagraph (1) or (2) of this paragraph:

(1) *Contract rate readjustment and claim; contracts in effect prior to June 23, 1950.* Where Federal land-grant funds were deducted by the institution in computing the adjusted tuition rate and the contract rate is to be revised, the following is required:

(i) Schedule 1 (Readjusted): A statement of the names and teaching salaries of individuals for whom Federal land-grant funds originally were deducted, which will show the amount of each such salary stated in the original data and the amended amount of salary for each such individual without deduction for Federal land-grant funds. This schedule will also include a total for other salaries not affected by Federal land-grant funds in order to show the revised total of original column 4, schedule 2 (see § 21.531 (c)), and the amended total.

(ii) Schedule 2 (Readjusted): A statement of total student credit-hours used as a basis in the original data which will also be used in an amended computation except that in any case where student credit-hours were deducted because of the deduction of Federal land-grant funds the corrected student credit-hour total will be inserted. In addition, where the original data on credit-hours is found to be in error, the corrected amounts will be used. By using data on total credit-hours and total teaching salaries a restatement of the original computation (and the corrected computation where necessary) and an amended computation of the tuition rate will be shown. The same method of computation as required in § 21.531, will be used and the resulting computations will show an original rate under original Veterans' Administration Regulations, and an amended computation under the provisions of Public Law 571, 81st Congress, as provided herein.

(iii) The new adjusted tuition rate thus approved will adjust the contract accordingly, and the institution will prepare and submit to the Veterans' Administration a separate voucher or vouchers (depending on the number of students involved) for each supplemented contract. On the face of the voucher, the amended adjusted tuition rate and the original adjusted tuition rate as shown on schedule 2 (readjusted) and the difference will be shown. In addition, the face of the voucher will show the authority for the expenditure, as for example, "Public Law 346, 78th Congress and Public Law 571, 81st Congress." Because the Veterans' Administration must account for the changed tuition charges for each individual veteran, it will be necessary to list on a continuation sheet or invoice in alphabetical order, the name, C-number (wherever known) of each veteran for whom an additional claim is made. There also will be shown separately, opposite the veteran's name, each payment previously made by the Veterans' Administration in his behalf under the contract showing the following:

(*a*) Bureau voucher number.

(*b*) Period covered by the charges, as shown on each paid voucher.

(*c*) Number of credit-hours billed and paid on each voucher.

(*d*) Total amount paid on each voucher (including tuition fees and supplies without breakdown).

(e) The additional tuition claimed on each paid voucher, the additional tuition claimed will be computed by multiplying the number of credit-hours by the difference between the amended and original tuition rate, except that where the total amount previously paid on behalf of a veteran, plus the additional tuition claimed, exceeds the rate of $500 for a full-time course for an ordinary school year the amount claimed will be reduced accordingly, in accordance with VA Regulations.

(2) *Reclaim of amounts recovered by Veterans' Administration or General Accounting Office because of failure to deduct Federal land-grant funds.* Where the educational institution's contract rate does not require revision since the original computation was made without deduction of Federal land-grant funds, the contract rate will remain unchanged. Where the Veterans' Administration or the General Accounting Office did recover funds under § 21.531, and the contract rate was not amended, the educational institution will be paid the appropriate amount due under the original contract rate in accordance with the provisions of Public Law 571, 81st Congress, upon submission of a properly executed reclaim voucher on Standard Form 1034. In connection with the above, the finance officer will determine that the amount previously deducted or collected by the Veterans' Administration or the General Accounting Office is in agreement with the reclaim voucher submitted by the educational institution. (Instruction 1, Public Law 571, 81st Congress)

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. and Sup. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended, Pub. Law 571, 81st Cong.; 38 U. S. C. and Sup. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation effective November 7, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-9821; Filed, Nov. 3, 1950; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 1—ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

BUREAU OF TRANSPORTATION

In § 1.11 *Bureau of Transportation* (39 CFR 1.11) as amended (15 F. R. 4688) amend paragraph (a) by adding a paragraph to read as follows:

Authority is hereby delegated to the Assistant Postmaster General in charge of the Bureau of Transportation, and to the Director of the Division of Railway Transportation, respectively, to issue travel orders, in their individual names, directing the movement of field personnel of the Postal Transportation Service from one organization or official station to another. This shall include authority to authorize the incurring of expenses allowable under section 1 of the act of August 2, 1946, as amended (5 U. S. C. 73b–1), and regulations issued thereunder.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 1, 60 Stat. 806, as amended, Reorg. Plan No. 3 of 1949; 5 U. S. C. and Sup., 22, 73b–1, 133z–15, 369.)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 50-9860; Filed, Nov. 6, 1950; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9340]

PART 1—PRACTICE AND PROCEDURE

PART 3—RADIO BROADCAST SERVICES

PART 4—EXPERIMENTAL AND AUXILIARY BROADCAST SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Parts 1, 3, and 4 of the Commission's rules and regulations to make changes in the rules relating to equipment and program tests and experimental period.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of October 1950;

The Commission having under consideration a proposal to amend Parts 1, 3, and 4 of its rules and regulations to make changes in the rules relating to equipment and program tests and experimental period; and

It appearing, that notice of proposed rule making setting forth the proposed amendments was issued by the Commission on June 8, 1949,[1] and was duly published in the FEDERAL REGISTER, which notice provided that interested parties might file statements or briefs with respect to the said amendments on or before July 18, 1949; and

It further appearing, that the only statements received with respect to the proposed amendments were in opposition to proposed amendment of § 3.10; that the objections to the proposed amendment of § 3.10 appear to be well taken; and that the Commission has therefore determined that no amendment of § 3.10 is desirable; and

It further appearing, that the deletion of § 1.316 and revision of § 1.315 as set forth below are desirable and necessary to remove conflicts between those sections and the rules relating to equipment tests and program and service tests in the several parts of the rules relating to the various radio services; that the deletion of § 1.316 and revision of § 1.315 will not effect a change in any substantive rule of the Commission; and that therefore the provisions of section 4 of the Administrative Procedure Act are not applicable; and

It further appearing, that adoption of the proposed amendments with the changes indicated above and certain editorial and other minor changes will relieve broadcast permittees from the burden of seeking repeated extensions of equipment and program test authority; conform the Commission's rules to existing Commission practice; afford the Commission sufficient time for orderly processing of requests for program test authority; and serve public interest, convenience and necessity;

It is ordered, That, effective December 11, 1950, Parts 1, 3, and 4 of the Commission's rules and regulations are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: October 31, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Parts 1, 3, and 4 of the Commission's rules and regulations are amended as follows:

1. Section 1.315 is amended to read as follows:

§ 1.315 *Application for equipment tests or for service or program tests; broadcast and nonbroadcast.* Where the rules applicable to the particular service concerned require the filing of an application for authority to conduct equipments tests or service or program tests or notification to any office of the Commission of the commencement of such tests, such application or notification may be informal.

2. Section 1.316 is deleted.

3. Section 3.167 is amended to read as follows:

§ 3.167 *Equipment tests.* (a) During the process of construction of a standard broadcast station, the permittee, after notifying the Commission and Engineer in Charge of the district in which the station is located, may without further authority of the Commission, conduct equipment tests during the experimental period for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations, and the applicable engineering standards. In addition, the Commission may authorize equipment tests other than during the experimental period if such operation is shown to be desirable to the proper completion of construction and adjustment of the transmitting equipment and antenna system. An informal application for such authority, giving full details regarding the need for such tests, shall be filed with the commission at least two (2) days (not including Sundays and Saturdays and legal holidays when the offices of the Commission are not open) prior to the date on which it is desired to begin such operation.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall

[1] 15 FR 3265.

remain valid and shall be conducted only during the experimental period (12 midnight to local sunrise) unless otherwise specifically authorized.

(d) Inspection of a station will ordinarily be required during the equipment test period and before the commencement of program tests. After construction and after adjustments and measurements have been completed to show compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations and the applicable engineering standards, the permittee should notify the Engineer In Charge of the District in which the station is located that it is ready for inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

4. Section 3.168 is amended to read as follows:

§ 3.168 *Program tests.* (a) Upon completion of construction of a standard broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards and when an application for station license has been filed showing the station to be in satisfactory operating condition,[1] the permittee may request authority to conduct program tests: *Provided*, That such request shall be filed with the Commission at least ten (10) days prior to the date on which it is desired to begin such operation and that the Engineer in Charge of the district in which the station is located is notified.

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation on program test authority shall be in strict compliance with the rules governing standard broadcast stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The granting of program test authority shall not be construed as approval by the Commission of the application for station license.

5. Section 3.169 is deleted.

[1] All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application. If the station is using a directional antenna, a proof of performance must also be filed as required by § 3.33 (b).

6. Section 3.170 is renumbered as § 3.169.

7. Section 3.216 is amended to read as follows:

§ 3.216 *Equipment tests.* (a) During the process of construction of an FM broadcast station, the permittee, after notifying the Commission and Engineer in Charge of the district in which the station is located, may without further authority of the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations, and the applicable engineering standards.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid.

(d) Inspection of a station will ordinarily be required during the equipment test period and before the commencement of the program test. After construction and after adjustments and measurements have been completed to show compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations and the applicable engineering standards, the permittee should notify the Engineer in Charge of the district in which the station is located that it is ready for inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

8. Section 3.217 is amended to read as follows:

§ 3.217 *Program tests.* (a) Upon completion of construction of an FM broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and the applicable engineering standards and when an application for station license has been filed showing the station to be in satisfactory operating condition,[2] the permittee may request authority to conduct program tests: *Provided*, That such request shall be filed with the Commission at least ten (10) days prior to the date on which it is desired to begin such operation and that the Engineer in Charge of the district in which the station is located is notified.

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation under program test authority shall be in strict compliance with the rules governing FM broadcast stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The granting of program test authority shall not be construed as approval by the Commission of the application for station license.

9. Section 3.262 is amended to read as follows:

§ 3.262 *Experimental operation.* The period between 1:00 a. m., and 6:00 a. m., local standard time, may be used for experimental purposes in testing and maintaining apparatus by the licensee of any FM broadcast station on its assigned frequency and not in excess of its authorized power, without specific authorization by the Commission.

10. A new § 3.272 is added and reads as follows:

§ 3.272 *Field intensity measurements.* The Commission may require field intensity measurements in connection with applications and in other cases where such measurements are found to be necessary. For example, any application which asserts that interference predicted under the Standards of Good Engineering Practice would not be realized may require supplementary data including appropriate field intensity measurements. Furthermore, in order that FM broadcast station coverage data may be accumulated it is desirable that existing FM broadcast stations make such measurements where feasible and file the data with the Commission.

11. Section 3.516 is amended to read as follows:

§ 3.516 *Equipment tests.* (a) During the process of construction of a noncommercial educational FM broadcast station, the permittee, after notifying the Commission and Engineer in Charge of the district in which the station is located, may without further authority of the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations, and the applicable engineering standards.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

[2] All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application.

(c) Equipment tests may be continued so long as the construction permit shall remain valid.

(d) Inspection of a station will ordinarily be required during the equipment test period and before the commencement of the program test. After construction and after adjustments and measurements have been completed to show compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations and the applicable engineering standards, the permittee should notify the Engineer in Charge of the district in which the station is located that it is ready for inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

12. Section 3.517 is amended to read as follows:

§ 3.517 *Program tests.* (a) Upon completion of construction of a noncommercial educational FM broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards, and when an application for station license has been filed showing the station to be in satisfactory operating condition,[3] the permittee may request authority to conduct program tests: *Provided*, That such request shall be filed with the Commission at least ten (10) days prior to the date on which it is desired to begin such operation and that the Engineer in Charge of the District in which the station is located is notified.

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests, or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation under program test authority shall be in strict compliance with the rules governing noncommercial educational FM broadcast stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The grant of program test authority shall not be construed as approval by the Commission of the application for station license.

13. Section 3.562 is amended to read as follows:

§ 3.562 *Experimental operation.* The period between 1:00 a. m., and 6:00 a. m., local standard time, may be used for experimental purposes in testing and maintaining apparatus by the licensee of any noncommercial educational FM broadcast station on its assigned frequency and not in excess of its authorized power, without specific authorization from the Commission.

14. Section 3.616 is amended to read as follows:

§ 3.616 *Equipment tests.* (a) During the process of construction of a television broadcast station, the permittee, after notifying the Commission and Engineer in Charge of the district in which the station is located, may without further authority of the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations, and the applicable engineering standards.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid.

(d) Inspection of a station will ordinarily be required during the equipment test period and before the commencement of the program test. After construction and after adjustments and measurements have been completed to show compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations and the applicable engineering standards, the permittee should notify the Engineer in Charge of the district in which the station is located that it is ready for inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

(f) Within the period prescribed by this section for equipment tests, field intensity measurements in accordance with the methods prescribed in the Standards of Good Engineering Practice Concerning Television Broadcast Stations shall be submitted to the Commission.

15. Section 3.617 is amended to read as follows:

§ 3.617 *Program tests.* (a) Upon completion of construction of a television broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards and when an application for station license has been filed showing the station to be in satisfactory operating condition,[4] the permittee may request authority to conduct program tests: *Provided*, That such request shall be filed with the Commission at least ten (10) days prior to the date on which it is desired to begin such operation and that the Engineer in Charge of the District in which the station is located is notified.

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked the program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation under program test authority shall be in strict compliance with the rules governing television broadcast stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The granting of program test authority shall not be construed as approval by the Commission of the application for station license.

16. Section 4.16 is amended to read as follows:

§ 4.16 *Equipment tests.* (a) During the process of construction of any class of radio station listed in Part 4, the permittee, after notifying the Commission and Engineer in Charge of the district in which the station is located, may without further authority of the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations, and the applicable engineering standards.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid.

(d) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

17. Section 4.17 is amended to read as follows:

§ 4.17 *Service or program tests.* (a) Upon completion of construction of a radio station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards, and when an application for station license has been filed showing the station to be in satisfactory operating condition,

[3] All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application.

[4] All data necessary to show compliance with the terms and conditions of the construction permit, including proof of performance, must be filed with the license application.

the permittee of any class of station listed in Part 4 may, without further authority of the Commission, conduct service or program tests: *Provided*, That the Engineer in Charge of the district in which the station is located and the Commission are notified at least two (2) days (not including Sundays and Saturdays and legal holidays when the offices of the Commission are not open) in advance of the beginning of such operation.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of such tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked program test authority will continue valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) The authorization for tests embodied in this section shall not be construed as approval by the Commission of the application for station license.

[F. R. Doc. 50-9882; Filed, Nov. 6, 1950; 8:48 a. m.]

[Docket No. 9748]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

USE OF GOVERNMENT FREQUENCIES BY NON-GOVERNMENT STATIONS

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 30th day of October 1950;

The Commission, having under consideration the amendment of § 2.103 of its rules and regulations; and

It appearing, that in accordance with the requirement of section 4 (a) of the Administrative Procedures Act, general notice of proposed rule-making in the above entitled matter was duly published in the FEDERAL REGISTER: [1] and

It further appearing, that after consideration of all comments, public interest, convenience and necessity would be served by the adoption of the proposed amendment and authority therefore is contained in section 303 (a), (b), (c), (d), (e), (l) and (r) of the Communications Act of 1934, as amended:

It is ordered, That effective December 15, 1950, Part 2, § 2.103 is amended by adding paragraph (c) as follows:

(c) The use of frequencies allocated exclusively to Government stations in columns 5 and 6 of § 2.104 (a) may be authorized to non-Government stations in those instances where the Commission finds, after consultation with the appropriate Government agency or agencies, that such assignment is necessary for intercommunication with Government stations or where such use by non-Government stations is required for coordination with Government activities.

(Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: October 31, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-9884; Filed, Nov. 6, 1950; 8:48 a. m.]

[Docket No. 9783]

PART 10—PUBLIC SAFETY RADIO SERVICES

STATE GUARD RADIO SERVICE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of October 1950;

The Commission having under consideration the notice of proposed rule making in the above-entitled matter, which contemplates amendment of Part 10, "Public Safety Radio Services", by the addition, in Subpart K, of a new radio service to be known as the "State Guard Radio Service";

It appearing, that, in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, general notice of proposed rule making in the above-entitled matter, which made provision for the submission of comments by interested parties, was duly published in the FEDERAL REGISTER on September 19, 1950, and that the period for filing comments has expired;

It further appearing, that no objection to the proposed rules or any part of them was expressed by any interested party, but that the Military Department of the State of Georgia has filed a request that the proposed rules be amended and expanded to permit the State of Georgia to provide for recruitment and use of amateur radio operators and of amateur radio equipment for its State Guard activities and that such amateur operation be conducted on the frequency 3995 kc;

It further appearing, that because adoption of the suggestions made by the Military Department of the State of Georgia would require extensive amendment of Part 12, "Amateur Radio Service", and amendment of the technical and operator requirements of Subparts C and D of Part 10, "Public Safety Radio Services", these comments are not germane to the rules proposed in the original notice of proposed rule making, and they are not an appropriate part of the proposed State Guard rules;

It further appearing, that the Commission proposes to make provision for operation of the type proposed in the comments of the Military Department of the State of Georgia in its proposed rules governing the Disaster Communications Service (Docket No. 9749) which are now pending;

It further appearing, that, in view of the imminent need for action in this matter, caused by the national emergency in which rapid activation into the federal service of National Guard units of the various states is taking place, delay in providing for a State Guard Radio Service would not be in the public interest, and, accordingly, publication of these rules thirty days in advance of the effective date thereof is not required by section 4 (c) of the Administrative Procedure Act;

It is ordered, That, effective immediately, Part 10, "Public Safety Radio Services" be amended by adding a new sub-part K, in which provision is made for a State Guard Radio Service in exact accordance with the rules proposed in the notice of proposed rule making as published in the FEDERAL REGISTER on September 19, 1950,[1] and as set forth below.

(Sec. 4, 48 Stat. 1066)

Released: October 31, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

SUBPART K—STATE GUARD RADIO SERVICE

Sec.
10.501 Eligibility.
10.502 Permissible communications.
10.503 Points of communication.
10.504 Station limitations.
10.505 Frequencies available to the State Guard Radio Service.

AUTHORITY: §§ 10.501 to 10.505 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

§ 10.501 *Eligibility.* (a) Authorizations for stations in the State Guard Radio Service will be issued only to the official state guard or comparable organization of a state, territory, possession, or the District of Columbia and only where such organization has been duly created by law and is completely subject to the control of the Governor, or highest official of the creating governmental entity.

(b) To facilitate a determination of eligibility, the first application from each organization for a new station in the State Guard Radio Service shall be accompanied by a statement citing the statute, executive order, or other legal authority under which the guard was created and definitely indicating whether or not the guard is under the absolute authority of the Governor or highest official of the governmental entity.

§ 10.502 *Permissible communications.* (a) Stations in the State Guard Radio Service are primarily authorized to transmit emergency communications directly relating to public safety and the protection of life and property.

(b) Stations in the State Guard Radio Service are secondarily authorized to transmit essential nonemergency communications necessary for training and maintaining an efficient organization. *Provided*, That all communications authorized by this paragraph shall be kept to an absolute minimum and shall cause no harmful interference to stations in other services or to other stations in the State Guard Radio Service when such

[1] 15 F. R. 5173.

[1] 15 F. R. 6268.

stations are transmitting communications authorized by paragraph (a) of this section.

(c) The transmission of nonessential communications is strictly prohibited.

§ 10.503 *Points of communication.* (a) State guard base, mobile and fixed stations are primarily authorized to intercommunicate with all other state guard stations authorized to the same licensee.

(b) State guard base, mobile and fixed stations are secondarily authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations: *Provided,* That no harmful interference will be caused to the service of any station transmitting to a point of communication for which that station is primarily authorized.

§ 10.504 *Station limitations.* (a) Mobile relay stations will not be authorized in the State Guard Radio Service.

(b) Each operator of a station in the State Guard Radio Service shall listen on the licensed frequency of the station prior to transmitting and shall not transmit until it has been reasonably determined that harmful interference will not be caused to any authorized communication in progress on the frequency.

§ 10.505 *Frequencies available to the State Guard Radio Service.* (a) The frequency 2726 kilocycles is available for assignment to base and mobile stations in the State Guard Radio Service for use on a shared basis with stations in the Special Emergency Radio Service.

(b) In instances where circumstances in a particular state appear to warrant the use of a second frequency in the band 2505–3500 kilocycles and where a frequency can be made available through appropriate arrangements, with Government agencies if necessary, for restricted area use on a shared basis with other assignments such additional frequency may be assigned. The maximum power input, emission and hours of operation authorized for use on any frequency assigned under the provisions of this paragraph will be determined on the basis of the technical conditions involved in using the selected frequency in the particular area.

(c) The frequencies indicated in paragraphs (a) and (b) of this section will also be assigned to fixed stations in the State Guard Radio Service subject to the condition that harmful interference will not be caused to the mobile service.

[F. R. Doc. 50-9833; Filed, Nov. 6, 1950; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 402]

MARKET AGENCIES AT UNION STOCK YARDS, CHICAGO, ILLINOIS, RESPONDENTS

PETITION FOR MODIFICATION OF TEMPORARY RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), orders were issued on October 27, 1948 (7 A. D. 974), and December 20, 1948 (7 A. D. 1174), authorizing respondents to assess the rates currently in effect. The order of October 27, 1948, as amended by the order of December 20, 1948, has been continued in effect to and including December 1, 1950, by other orders entered in the proceeding.

On October 24, 1950, respondents filed a petition requesting authority to file a new tariff and put into effect the rates set out in the tabulation below:

SECTION B

Selling Charges

Calves

	Cents
Consignments of 1 head and 1 head only (per head)	70
Consignments of more than 1 head:	
First 5 head in each consignment (per head)	55
Next 10 head in each consignment (per head)	45
Each head over 15 head in each consignment (per head)	35

Calves, by rail, maximum charge. In no instance shall the charge for selling a consignment of calves arriving by rail exceed $30 for each single deck car and $45 for each double deck car, plus extra service charges provided in Section E.

Calves, by other than rail, maximum charge. In no instance shall the charge for selling a consignment of calves arriving other than by rail exceed $30 for each 100 calves or less, plus extra service charges provided in Section E.

Bulls

Consignment of:	Per head
1 head and 1 head only weighing over 1,000 pounds	$1.75
1 head and 1 head only weighing 700 pounds to 1,000 pounds	1.50
Consignments of more than 1 head:	
Each animal weighing 700 pounds or over	1.50

All bulls weighing less than 700 pounds, apply cattle rate.

Tagged cattle (other than bulls) (A)

	Per head
Suspects, condemned cattle, T. B. or Bang's Reactor	$1.65

Cattle

	Per head
Consignments of 1 head and 1 head only (A)	$1.35
Consignments of more than 1 head:	
First 5 head in each consignment (A)	1.10
Next 10 head in each consignment (A)	1.05
Each head over 15 head in each consignment (A)	1.00

(A) Advance.

Cattle, by rail, maximum charge (A). In no instance shall the charge for selling a consignment of cattle arriving by rail exceed $36.00 for each car, plus extra service charges provided in Section E.

Cattle, in other than rail, maximum charge (A). In no instance shall the charge for selling a consignment of cattle arriving other than by rail exceed an aggregate of $36.00 for the first 24,400 pounds, plus 13 cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in Section E.

Cattle and calves, by rail, maximum charge (A). In no instance shall the charge for selling a carload of cattle and calves arriving by rail, belonging to one owner, delivered to one market agency to be offered for sale during the trading hours of one day, exceed $36.00 for each car, plus extra service charges provided in Section E.

Cattle and calves, by other than rail, maximum charge (A). In no instance shall the charge for selling a shipment of cattle and calves arriving other than by rail, belonging to one owner, delivered to one market agency to be offered for sale during the trading hours of one day exceed an aggregate of $36.00 for the first 24,400 pounds or less, plus 13 cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in Section E.

(A) Advance.

Boars

	Cents per head
Consignments of:	
1 head and 1 head only	75
Consignments of more than 1 head:	
First 10 head in each consignment	65
Each head over 10 head in each consignment	50

Hogs

	Cents per head
Consignments of 1 head and 1 head only:	
Each head weighing 250 pounds or over	65
Each head weighing under 250 pounds	50
Consignments of more than 1 head:	
First 10 head in each consignment (A)	39
Next 15 head in each consignment (A)	34
Each head over 25 head in each consignment (A)	29

(A) Advance.

Hogs, by rail, maximum charge. In no instance shall the charge for selling a consignment of hogs arriving by rail exceed $25 for each single deck car, and $35 for each double deck car, plus extra service charges provided in Section E.

Hogs, by other than rail, maximum charge. In no instance shall the charge for selling a consignment of hogs arriving other than by rail exceed an aggregate of $25 for the first 18,000 pounds, plus 12 cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in Section E.

Sheep or Goats

	Cents per head
Consignments of 1 head and 1 head only	50
Consignments of more than one head:	
First 10 head in each 250 head (A)	32
The next 50 head in each 250 head (A)	24
The next 60 head in each 250 head	12
The next 130 head in each 250 head (A)	8

(A) Advance.

Sheep or goats, by rail, maximum charge (A). In no instance shall the charge for selling a consignment of sheep or goats arriving by rail exceed $20 for each single deck car, and $30 for each double deck car, plus extra service charges provided in Section E.

Mixed cars, by rail, maximum charge (A). In no instance shall the charge for selling a carload of live stock containing two or more species, other than a carload of cattle and calves, belonging to one owner, delivered to one market agency, to be offered for sale during the trading hours of one day exceed $36 for each single deck car, and $45 for each double deck car, plus extra service charges provided in Section E.

SECTION C (A)

Buying Charges

The rates for buying live stock shall be the same as the rates shown in Section B for selling the same live stock.

SECTION D

Buying Service Charges

When feeder live stock bought by the purchaser himself is paid for, billed out, or any assistance rendered by a member of The Chicago Live Stock Exchange, or his employee or employees, the transaction shall be deemed a service rendered and a charge equivalent to 50% of the regular buying charge assessed.

When slaughter live stock bought by purchaser himself is paid for, billed out, or any assistance rendered by a member of The Chicago Live Stock Exchange, or his employee or employees, the transaction shall be deemed a service rendered and the regular buying charge assessed.

SECTION E

Extra Service Charges

The following extra service charges are applicable to each consignment, bought or sold, and are in addition to the charges provided in Sections B, C, and F for selling or buying:

For each additional weight draft over 3 on account of sales or purchase classification (brought about by sorting and weighing for the best interests of the shipper): 25 cents.

For each additional check, each additional account of sale, each proceeds deposit or bank credit over 1: 10 cents.

For computing, collecting and remitting the charges for transportation: 10 cents.

Driving live stock to outbound loading chute pens. Driving live stock to the outbound loading chute pens for outbound shipment, the following charges will apply:

	Cents per head
Cattle	10
Calves	5
Hogs	3
Sheep	2

The above to be applicable only in the event the Union Stock Yard and Transit Company of Chicago, Illinois, are unable to satisfactorily perform this driving service and does not apply to Stockers and Feeders.

SECTION F

Resales

On live stock purchased on this market by registered traders or registered market agencies, and without having been removed from this market, resold for account of such purchaser, the commission shall be 75 cents per head on cattle (other than bulls 700 pounds or over), $1 per head on bulls, 700 pounds or over, 35 cents per head on calves, 24 cents per head on hogs (other than boars), 50 cents per head on boars, and 10 cents per head on sheep or goats, plus extra service charges provided in Section E.

The rates petitioned for, if authorized, will provide additional revenue for the respondents so that it appears that public notice of the filing of the petition should be given in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of the petition for increases in the temporary rates currently in effect.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 1st day of November 1950.

[SEAL] KATHERINE L. MASON,
Hearing Clerk.

[F. R. Doc. 50-9867; Filed, Nov. 6, 1950; 8:46 a. m.]

(A) Advance.

[7 CFR, Part 939]

HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

EXPENSES AND RATES OF ASSESSMENT FOR THE 1949–50 AND 1950–51 FISCAL PERIODS

Consideration is being given to the following proposals which were submitted by the Control Committee, functioning under the marketing agreement, as amended, and Order No. 38, as amended (7 CFR Part 939; 15 F. R. 6071), regulating the handling of Beurre d'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture:

(1) Find that the actual expenses necessarily incurred by the said committee for its maintenance and functioning during the fiscal period beginning July 1, 1949, amounted to $20,530.83; and

(2) Fix, as the share of such expenses which each handler who first handled pears shall pay in accordance with the provisions of the aforesaid marketing agreement and order, the rate of assessment at four and seven-tenths mills ($0.0047) per standard western pear box of pears, or its equivalent of pears in other containers or in bulk.

(b) That the Secretary of Agriculture:

(1) Find that expenses not to exceed $23,040.50 are likely to be necessarily incurred by said committee during the fiscal period beginning July 1, 1950, for its maintenance and functioning under the aforesaid marketing agreement and order; and

(2) Fix, as the share of such expenses which each handler who first handles pears shall pay in accordance with the provisions of the aforesaid marketing agreement and order during the aforesaid fiscal period, the rate of assessment at 5 mills ($0.005) per standard western pear box of pears, or its equivalent of pears in other containers or in bulk.

All persons who desire to present written data, views, or arguments for consideration in connection with the aforesaid proposals may do so by submitting the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and order.

Issued this 2d day of November 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-9915; Filed, Nov. 6, 1950; 8:52 a. m.]

[7 CFR, Part 959]

HANDLING OF IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN OREGON AND IN CALIFORNIA

RECOGNITION OF KERN COUNTY SEED POTATO ASSOCIATION, INC., AS A SEED POTATO CERTIFYING AGENCY

Notice is hereby given that the Secretary of Agriculture is considering a proposed rule to recognize the Kern County Seed Potato Association, Inc., a corporation whose principal office is located at Bakersfield, California, as a seed potato certification agency, pursuant to the provisions of § 959.1 of Marketing Agreement No. 114 and Marketing Order No. 59, as amended, regulating the handling of Irish potatoes grown in the Counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon, and Modoc and Siskiyou in the State of California. Such order was issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the proposed recognition has been recommended by the Oregon-California Potato Committee established pursuant to said marketing agreement and order.

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the 10th day after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 2d day of November, 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-9914; Filed, Nov. 6, 1950; 8:51 a. m.]

[7 CFR, Part 966]

ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

REGULATION OF SHIPMENTS DURING PERIOD DECEMBER 3, 1950, TO JANUARY 27, 1951

Consideration is being given to the following proposal that was submitted by the Orange Administrative Committee, established under Order No. 66, as amended (7 CFR Part 966), regulating the handling of oranges grown in the State of California or in the State of Arizona, pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.):

(1) That during the period beginning at 12:01 a. m., P. s. t., December 3, 1950, and ending at 12:01 a. m., P. s. t., January 27, 1951, standard size 288 be fixed as the minimum size of Valencia oranges, grown in Prorate District No. 2, which may be handled.

(2) As used herein, "handled" has the same meaning as when used in said amended order; and the terms "standard size 288," and "Prorate District No. 2" shall have the same meaning as when used in §§ 966.106 (g) and 966.107 of the rules and regulations (14 F. R. 6588) currently in effect.

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposal should file the same with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the close of business on the 15th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

Done at Washington, D. C., this 2d day of November 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-9912; Filed, Nov. 6, 1950; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR, Part 51]

GROUND INSTRUCTOR RATING

PRACTICAL TEST REQUIREMENT FOR ORIGINAL ISSUANCE OF A GROUND INSTRUCTOR CERTIFICATE AND RATING

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit written data, views, or arguments for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

§ 51.17-1 *Practical test requirement for original issuance of a ground instructor certificate and rating. (CAA rules which apply to § 51.17)*—(a) *General.* In the interest of uniformity in application of examination procedures, to effect a better standardization of test requirements, and to raise the general quality of instruction, a practical examination shall be given to all applicants for original issuance of a ground instructor certificate and rating, except those applicants who hold a currently effective teacher's certificate issued by a city, county, or state.

(b) *Date for implementation of practical test.* On and after January 1, 1951, all applicants for original issuance of a ground instructor certificate, except those holding currently effective teacher's certificates issued by a city, county, or state, shall be required to successfully accomplish a practical examination on the fundamentals of instructing. Holders of ground instructor certificates issued prior to January 1, 1951, whose certificates are currently effective on that date shall not be required to take the practical examination.

(c) *Practical examination.* The examination shall consist of a demonstration of the practical application of the fundamentals of instructing, in which the applicant will be tested for his ability to present the subject matter to a student in clear and understandable terms. This practical examination may be accomplished either by having the applicant instruct a representative of the Administrator in the subject matter for which he seeks a rating or by a representative of the Administrator observing the applicant teach a group of students.

A grade of at least 70 percent must be attained in order to pass the practical examination.

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 50-9880; Filed, Nov. 6, 1950; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 292]

[Draft Release 44]

ALASKAN AIR CARRIERS

EXTENSION OF TEMPORARY EXEMPTION FOR ALASKAN PILOT-OWNERS

Notice is hereby given that the Civil Aeronautics Board has under consideration the amendment of § 292.3 of the Economic Regulations as hereinafter set forth.

Interested persons may participate in the proposed rule-making through submission in triplicate of written data, views or arguments pertaining thereto addressed either to the Secretary, Civil Aeronautics Board, Washington 25, D. C., or to the Director, Alaska Office, Civil Aeronautics Board, P. O. Box 2219, Anchorage, Alaska. All relevant matter in communications received on or before December 5, 1950, will be considered by the Board before taking final action on the proposed rule. Copies of comments received will be available for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C., on or after December 15, 1950.

The Alaskan Pilot-Owner authorization was originally adopted by the Board in April 1948. By its terms a pilot having a commercial or airline transport pilot rating may use in air transportation, with some limitations on the extent of such use, aircraft having a certificated capacity of no more than four passengers which is owned and flown exclusively in air transportation by him. An Alaskan Pilot-Owner is required to hold a nonscheduled operating certificate issued by the CAA, and to comply with the Board's Economic Regulations to the same extent as other Alaskan air carriers.

The results of this authorization appear to be satisfactory. Few complaints have been received from the general public or the certificated carriers regarding the operations of the Pilot-Owners, and a review of the monthly reports of financial and operating statistics submitted by these carriers indicates that they are conducting their small operations well within the intended scope of the exemption. While the current exemption should be continued, since the air transportation route pattern is still in transition and undergoing considerable change, the Alaskan Pilot-Owner authorization should again be considered in relation to other classes of Alaskan air carriers at the conclusion of a limited period of extension.

It is therefore proposed that the Alaskan Pilot-Owner exemption be extended for an additional period of one year to December 31, 1951.

This amendment is proposed under authority of sections 205 (a), 401 (f), and 416 of the Civil Aeronautics Act of 1938, as amended.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-9872; Filed, Nov. 6, 1950; 8:46 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket 4199]

ARROW AIRWAYS

NOTICE OF ORAL ARGUMENT

In the matter of the suspension and revocation of Letter of Registration No. 1913 issued to Arrow Airways.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on November 16, 1950, at 10:00 a. m. (e. s. t.) in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 1, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-9873; Filed, Nov. 6, 1950; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9360, 9568]

LAKE HURON BROADCASTING CORP. (WKNX) AND WKMH, INC.

MEMORANDUM OPINION AND ORDER REOPENING RECORD AND SCHEDULING FURTHER HEARING

In re applications of Lake Huron Broadcasting Corporation (WKNX), Saginaw, Michigan, Docket No. 9360, File No. BP-6447; WKMH, Incorporated, Jackson, Michigan, Docket No. 9568, File No. BP-7477; for construction permits.

Two petitions have been filed herein, one on October 17, 1950, by WKMH, Incorporated, and the other on October 18, 1950, by Lake Huron Broadcasting Corporation (WKNX), both requesting that the record herein be reopened to permit the introduction of additional evidence regarding the financial qualifications of the applicants. Oppositions to said petitions were filed on October 23, 1950, by the parties respondent, WICA, Inc., and Evening News Association (WWJ). An oral argument on the petitions and oppositions was held before the undersigned Hearing Examiner on October 27, 1950.

Hearings were held in this proceeding in Washington, D. C. during January, February, May and June 1950, and the record was closed on June 13, 1950. Both applicants herein are presently licensees of standard broadcast stations and, during the course of the hearing, both proposed to finance the new construction involved herein, partly from assets on hand and partly from profits of their respective stations, expected to be earned during 1950, while their applications were still pending before the Commission. At the conclusion of the hearing the Examiner directed the parties to submit proposed findings of fact and conclusions of law, and specifically requested the parties to comment upon the question as to whether an applicant proposing to use anticipated profits from an existing station in the construction of a proposed station, could be found to be financially qualified. Proposed findings of fact and conclusions of law on behalf of the applicants and the General Counsel were filed on or about August 18, 1950.

The purpose of the instant petitions is to afford the applicants an opportunity to show that the profits of their respective stations anticipated at the date of the hearing have since, in fact, materialized so that, as expected by the applicants, each now has cash on hand sufficient to meet the initial capital outlays required in the construction of their respective stations. At the further hearing, the applicants propose to introduce current balance sheets and current profit and loss statements in order to bring the record up to date on their financial qualifications. There is no proposal to offer any new or different method of financing the construction at the further hearing. In support of the request that the record be reopened, the petitioners allege that the receipt of such evidence would simply confirm their earlier predictions of expected income, would remove any "speculation ordinarily surrounding such predictions," and would make easier the determination of the financial qualifications of the applicants in this proceeding and, therefore, would tend to expedite the final decision herein.

The oppositions to said petitions allege that: (a) Under the Commission's rules and regulations, an Examiner has no authority to reopen the record after it has been closed and certified as complete; (b) this is merely an attempt on the part of the applicants to improve their financial showing and does not constitute good cause for reopening the record at this time; and (c) the reopening of the record, "for the mere purpose of proving financial ability in the ordinary course of events should not be permitted unless the Commission now intends to permit it in any case."

There appears to be no merit to the contention that the Examiner does not have authority to act on a petition to reopen the record, filed before his initial decision in the case has been issued. The Commission's rules and regulations make it clear that a Hearing Examiner's authority over the hearings to which he has been assigned extends from the date of his designation until the submission of his decision (§ 1.844 of the Commission's rules and regulations), and during this period, the Examiner may act upon any motion or petition presented by the parties, except those specifically reserved for the Commission or for the Motions Commissioner (§ 1.743 of the rules and regulations). A petition to reopen the record filed prior to the issuance of an initial decision, clearly is not one of the types of motions reserved for the Commission or the Motions Commissioner, and accordingly, a Hearing Examiner may act thereon. In fact, a number of petitions to reopen the record in cases have been presented to and have been acted upon by Examiners. (Matter of WKAP, Inc., 6 R. R. 260; Matter of Leader Publishing Company, 5 R. R. 1021; Matter of Kansas City Broadcasting Co., Inc., 6 R. R. 607, aff'd 6 R. R. 614. See also Corbin Times-Tribune, Inc., 6 R. R. 396, at 398; and Pioneer FM Company, 6 R. R. 602, at 603). In this very proceeding, on July 14, 1950, the Examiner acted upon a petition to reopen the record of this proceeding to receive evidence regarding a change in the legal status of Lake Huron Broadcasting Company from a partnership to a corporation, and no opposition thereto was filed by any of the parties to the proceeding. Moreover, the Commission has specifically held that an Examiner has the authority to order the reopening of the record of a proceeding (Lakeland Broadcasting Company, 5 R. R. 701 (a), at Par. 10); and has sustained the action of an Examiner in so doing (WKAP, Inc., 6 R. R. 260). Under these circumstances, it must be concluded that an Examiner has the authority to act upon a petition to reopen the record, filed prior to the submission of his initial decision.

We turn next to the question of whether good cause has been shown why the record herein should be reopened for the purposes indicated. The Commission has broad discretion to reopen the record in any proceeding pending before it, so that it may receive current information regarding any question of the qualifications of an applicant, and may reopen the record at any stage of the proceeding, even after remand from the courts. (See Easton Publishing Company v. Federal Communications Commission, — F. (2d) —, decided October 23, 1950, U. S. Court of Appeals for the District of Columbia Circuit, No. 9829). In exercising this broad discretion, however, the necessity of the proper dispatch of the Commission's business and of administrative finality, are important considerations. Thus, where an applicant has been afforded an opportunity to make a full presentation of his case, generally it would not be sound administration, conduce to the dispatch of the Commission's business or to the ends of justice, to reopen the record merely to permit the applicant to make a completely new and changed presentation of his case. (See Matter of Pacifica Foundation, 6 R. R. 441). However, where the evidence to be offered at the further hearing would provide the Commission with a sounder, more accurate and scientific basis for resolving the issues involved in the proceeding, or would provide facts necessary for a proper determination of the case, greater liberality is warranted in reopening the record. (See Matter of WKAP, Inc., 6 R. R. 260; and Matter of Marmat Radio Company, 6 R. R. 51).

In the instant proceeding, both applicants presented evidence as to their financial qualifications in January, 1950,

at which time they showed that, although they had certain assets on hand, they expected to accumulate the balance of the funds necesary to finance the proposed construction during the ensuing months of 1950, from the earnings of their respective existing stations. In support thereof, both introduced evidence of the past earning power of their stations. This method of establishing an applicant's financial qualifications necessarily involves anticipating the future operating expenses and income of the stations, at best largely a matter of prediction and uncertainty. By their petitions herein, the applicants seek to end this uncertainty by offering evidence as to their current cash positions. They do not propose to change the method of financing their proposed stations but merely to bring up to date the evidence previously offered as to their financial qualifications. Thus, they seek to show that, what they could merely anticipate in January of 1950, has actually occurred by October of that year.

The instant petitions present a situation somewhat similar to those presented in the WKAP, Inc. and Marmat Radio Company cases, supra. In those cases, the engineering record contained merely theoretical predictions as to the coverage and interference which would be involved from the proposals and in each case, the Commission ordered a reopening of the record to permit the introduction of engineering measurements, thus providing a more accurate and certain basis for deciding the engineering issues involved. Similarly, it appears that in the instant case the receipt of the proffered evidence would provide a more accurate and definitive basis for resolving the financial issues herein. Accordingly, the public interest would be served by the receipt thereof. In reaching this conclusion, consideration has also been given to the fact that a short further hearing would not unduly delay the disposition of this proceeding. On the contrary, the additional evidence to be offered would tend to simplify the issues herein and hence expedite both the initial and final determination of the case.

It is well established that the doctrine of stare decisis is not applicable to hearings before administrative agencies such as this Commission. Accordingly, a grant of the relief sought herein would not necessarily be binding on the Commission in its disposition of petitions requesting the reopening of other records, since the merits of each petition must be separately considered in light of the particular facts and circumstances relevant thereto.

It is ordered, This 31st day of October 1950, that the petitions of Lake Huron Broadcasting Corporation (WKNX) and of WKMH, Incorporated, to reopen the record herein, are hereby granted, and the record of this proceeding, is hereby reopened, for the limited purpose of permitting both applicants to offer current information as to their financial conditions; and

It is further ordered, That a further hearing herein will be held on November 6, 1950, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-9885; Filed, Nov. 6, 1950; 8:48 a. m.]

[Docket No. 9654]

SEVIER VALLEY BROADCASTING CO. (KSVC)

NOTICE OF PLACE OF HEARING

In re application of Sevier Valley Broadcasting Company (KSVC), Richfield, Utah, for renewal of license; Docket No. 9654, File No. BR-2232.

The hearing on the above-entitled application presently scheduled for Wednesday, November 8, 1950, will be held at 10:00 a. m., in Courtroom, Federal Building, Richfield, Utah.

Dated: November 1, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-9886; Filed, Nov. 6, 1950; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6319]

MOUNTAIN STATES POWER CO.

NOTICE OF ORDER

NOVEMBER 2, 1950.

Notice is hereby given that, on November 1, 1950, the Federal Power Commission issued its order entered October 31, 1950, authorizing and approving issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-9876; Filed, Nov. 6, 1950; 8:47 a. m.]

[Docket No. G-1326]

COLORADO INTERSTATE GAS CO. AND CANADIAN RIVER GAS CO.

ORDER FIXING DATE FOR FURTHER HEARING

NOVEMBER 1, 1950.

On July 20, 1950, following public hearing, submission of briefs, and after the conclusion of oral argument in the above-entitled proceeding, the Commission issued a certificate of public convenience and necessity authorizing Colorado Interstate Gas Company (Colorado) and Canadian River Gas Company (Canadian) to construct and operate certain natural-gas pipeline facilities as fully described in the joint application filed in this proceeding on February 13, 1950, and as amended on April 4, 1950.

Paragraph (B) of the Commission's order of July 20, 1950, issuing the certificate of public convenience and necessity orders that: "The record in this proceeding is hereby reopened for hearing at a date to be fixed by the Commission for testimony limited to the sole issue of the reasonableness of payments to Southwestern in accordance with our finding No. 8, herein."

On October 19, 1950, Colorado and Canadian filed a joint application requesting that the Commission, by order, fix a hearing before the Commission sitting en banc for the purpose of receiving exhibits and oral argument on the sole issue set forth in paragraph (B) of the Commission's order of July 20, 1950.

The Commission finds: No good cause has been shown by Colorado and Canadian in their said joint application for hearing by the Commission sitting en banc in this proceeding, and the request therefor made in said joint application should be denied.

The Commission orders: (A) The request of Colorado and Canadian for hearing by the Commission sitting en banc be and the same hereby is denied.

(B) A public hearing be held on November 30, 1950, at 10:00 a. m., in the Commission's Hearing Room, 1800 Pennsylvania Avenue NW., Washington, D. C., for the purpose of receiving exhibits and evidence limited to the sole issue set forth in paragraph (B) of the Commission's order of July 20, 1950, with oral argument before the Commission to be held on a date to be fixed by further order of the Commission.

Date of issuance: November 1, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-9874; Filed, Nov. 6, 1950; 8:46 a. m.]

[Docket Nos. G-1391, G-1393, G-1431, G-1432, G-1460, G-1468, G-1469]

NEW YORK STATE NATURAL GAS CORP. AND TEXAS EASTERN TRANSMISSION CORP. ET AL.

NOTICE OF FINDINGS AND ORDERS

NOVEMBER 2, 1950.

In the matters of New York State Natural Gas Corporation, and Texas Eastern Transmission Corporation, Docket No. G-1391; Equitable Gas Company, Docket No. G-1393; The East Ohio Gas Company, Docket No. G-1431; New York State Natural Gas Corporation, Docket No. G-1432; Mississippi River Fuel Corporation, Docket No. G-1460; Southern Natural Gas Company, Docket No. G-1468; and Michigan Gas Storage Company, Docket No. G-1469.

Notice is hereby given that, on November 1, 1950, the Federal Power Commission issued its findings and orders entered October 31, 1950, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-9875; Filed, Nov. 6, 1950; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25539]

PIG IRON AND FERRO SILICON FROM KEOKUK, IOWA, TO MINNESOTA

APPLICATION FOR RELIEF

NOVEMBER 2, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of carriers parties to tariffs named below.

Commodities involved: Pig iron and ferro silicon, carloads.

From: Keokuk, Iowa.

To: Points in Minnesota.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: L. F. Kipp's tariff ICC No. A-3513, Supp. 115. G. N. Ry. tariff ICC. No. A-8051, Supp. 171.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-9871; Filed, Nov. 6, 1950; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1255]

PROCTER AND GAMBLE CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of October A. D. 1950.

In the matter of application by the Boston Stock Exchange for Unlisted Trading Privileges in Procter and Gamble Company, Common Stock, No Par Value, File No. 7-1255.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Procter and Gamble Company, a security listed and registered on the New York Stock Exchange and on the Cincinnati Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to November 15, 1950, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 50-9865; Filed, Nov. 6, 1950; 8:46 a. m.]

[File No. 7-1256]

AMERICAN VISCOSE CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of October A. D. 1950.

In the matter of application by the Boston Stock Exchange for Unlisted Trading Privileges in American Viscose Corporation, Common Stock, $14 Par Value, File No. 7-1256.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $14 Par Value, of American Viscose Corporation, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to Nov. 15, 1950, the Commission, will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 50-9863; Filed, Nov. 6, 1950; 8:45 a. m.]

[File No. 70-2345]

SOUTHERN NATURAL GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of October A. D. 1950.

Notice is hereby given that Southern Natural Gas Company ("Southern"), a registered holding company, has filed with this Commission an application and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935.

Notice is further given that any interested person may, not later than November 9, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 9, 1950, said application may be granted, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

On January 31, 1949, the Commission issued an order authorizing Southern to acquire up to one-half (125,000 shares) of the initial authorized common stock, having a par value of $1 per share, of Coastal Pipe Line Company ("Coastal") at a price of $1 per share. Coastal was formed for the purpose of exploring and investigating the feasibility of the construction of a pipeline for the transmission of natural gas from Texas to certain of the states along the Atlantic seaboard and to develop the sources of gas supply necessary therefor. The project was considered useful to Southern in that it would make available to Southern an additional supply of gas for its present pipeline system. Subsequent to the Commission's order Southern, Eastman, Dillon & Company, John A. McCone and Pinemont Company, Inc., each acquired 12,500 shares of the common stock of Coastal for the consideration of $12,500, respectively.

After preliminary studies and investigations were undertaken by Coastal with respect to sources of supply for gas and as to the markets in which the gas would be sold it was determined by the Board of Directors of Coastal to suspend further negotiations and surveys and to await more favorable developments. Southern desires to continue, on its own account, the investigations and surveys which have already been started and to save for its own exclusive benefits all of the studies and investigations which have been made on behalf of Coastal. In order to accomplish its purpose Southern proposes to acquire from the other stockholders of Coastal all of the common stock owned by them (37,500 shares) upon the payment of an aggregate sum of $37,500. It is represented that Coastal's assets consist of $2,983 cash and the studies thus far made which are carried as a deferred debit in the amount of $47,017 which is the amount expended therefor, and that Coastal has no liabilities other than its common stock outstanding in the amount of $50,000.

The application states that no State commission has jurisdiction over the proposed transaction and that no expenses, fees or commission will be incurred or paid by Southern.

The application designates sections 9 and 10 of the act as being applicable to the proposed transaction and requests that the final order of the Commission, to be issued herein, become effective upon issuance.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 50-9862; Filed, Nov. 6, 1950; 8:45 a. m.]

[File No. 70-2497]

LOUISIANA POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of November A. D., 1950.

Louisiana Power & Light Company ("Louisiana"), a utility subsidiary of Middle South Utilities, Inc., a registered holding company, having filed a declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), and having designated sections 6 (a) and 7 thereof and Rule U-50 thereunder as applicable to the proposed transactions:

Louisiana proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $10,000,000 principal amount of its First Mortgage Bonds, __ Percent Series due 1980 ("Bonds"). The Bonds will be issued under and be secured by the company's present existing Mortgage and Deed of Trust dated as of April 1, 1944, to The Chase National Bank of the City of New York and Carl E. Buckley, Trustees, as supplemented by an Indenture dated as of March 1, 1948 and as further supplemented by an Indenture to be dated as of November 1, 1950.

The interest rate of the Bonds and the price to be paid the company for the Bonds will be fixed by proposals received in response to a public invitation for bids. The proceeds from the sale of the Bonds will be used by the company for construction of new facilities and for other corporate purposes. The declaration states that the cost of the company's 1950 construction program will be approximately $11,400,000 and that the completion of construction started during 1950, together with other necessary construction, will require expenditures during 1951 estimated to aggregate $10,200,000.

Louisiana has requested that any order permitting the declaration to become effective be entered as soon as may be practicable and become effective upon issuance, with such reservations in any such order as the Commission may deem appropriate in order to retain jurisdiction over the terms and conditions of the Bonds following the results of the bidding, and to retain jurisdiction over all legal fees to be incurred in connection with the proposed transactions.

Said declaration having been filed on October 10, 1950 and the last amendment thereto having been filed on October 26, 1950, and notice of said declaration, as amended, having been given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith, subject to certain reservations of jurisdiction:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the sale of the bonds by Louisiana shall not be consummated until the results of competitive bidding shall have been entered by this Commission in the light of the record as so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for the imposition thereof.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over the payment of all counsel fees and expenses in connection with the proposed transactions, including the fees and expenses of counsel for the successful bidder.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 50-9861; Filed, Nov. 6, 1950; 8:45 a. m.]

[File Nos. 70-2504, 70-2505]

STANDARD GAS AND ELECTRIC CO. AND WISCONSIN PUBLIC SERVICE CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of November 1950.

Notice is hereby given that there have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") an application by Standard Gas and Electric Company ("Standard"), a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, and an application-declaration by Wisconsin Public Service Corporation ("Wisconsin"), a public-utility subsidiary of Standard. Standard has designated sections 9, 10 and 12 of the act, and Wisconsin has designated section 6 (b) of the act and Rules U-45 and U-50 promulgated thereunder, as applicable to the proposed transactions.

Notice is further given that any person may, not later than November 15, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application and application-declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter Standard's application may be granted and Wisconsin's application-declaration may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application and application-declaration, which are on file in the office of the Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Wisconsin proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $4,000,000 principal amount of a new series of First Mortgage Bonds, Series due November 1, 1980. The bonds are to be issued under the provisions of the First Mortgage and Deed of Trust, dated January 1, 1941, from Wisconsin to First Wisconsin Trust Company, as Trustee, as supplemented by Supplemental Indentures dated November 1, 1947, August 1, 1948 and Sep-

tember 1, 1949, and as further supplemented by a new Supplemental Indenture to be dated as of November 1, 1950. The price (exclusive of accrued interest), to be not less than 100 percent or more than 102¾ percent of the principal amount, and the coupon rate, to be a multiple of ⅛ of 1 percent, are to be determined by the bidding.

Prior to or simultaneously with the sale of said bonds, Wisconsin proposes (a) to issue and sell to Standard, and Standard proposes to buy, 225,000 shares of Wisconsin's authorized and unissued Common Stock, par value $10 per share, for a total cash consideration of $2,250,000, and (b) to issue and distribute to Standard 150,000 shares of the Common Stock of Wisconsin as a dividend upon Wisconsin's outstanding Common Stock at the record date to be fixed for such distribution, in order to evidence the dedication to capital of a portion of the earned surplus of Wisconsin. Such stock dividend is to be declared and paid during the last quarter of 1950 in lieu of any cash dividend for such quarter. Cash dividends at the rate of 25¢ per share on said Common Stock have been paid for each of the first three quarters of 1950.

Standard, which presently owns all of the outstanding Common Stock of Wisconsin, constituting 100 percent of the voting securities, states that it desires to acquire the aforesaid Common Stock of Wisconsin in order to provide the latter with additional permanent capital and to increase the amount of its equity capital.

Wisconsin proposes to apply part of the proceeds (estimated in the amount of $6,250,000) from the proposed issuance and sale of said bonds and shares of Common Stock to the repayment, without premium, of its outstanding short-term bank loans in the amount of $3,300,000 and the balance will be applied toward the payment of current construction expenditures. The construction program of Wisconsin for 1950 is estimated at $6,000,000, exclusive of $1,100,000 which it is estimated will be required for the purchase in 1950 of capital stock of its subsidiary Wisconsin River Power Company.

Wisconsin has filed a petition with the Public Service Commission of the State of Wisconsin, the State in which Wisconsin is organized and doing business, for authorization with respect to the proposed issuance of said bonds and stock. That Commission has authorized the issuance of the Common Stock but has withheld authority for the issuance of the bonds pending receipt of the terms and conditions to be determined by the bidding. Standard states that no commission other than this Commission has jurisdiction over its proposed acquisition of Wisconsin Common Stock.

Wisconsin estimates that its fees and expenses (including $9,000 of legal fees) to be incurred in connection with the proposed transactions will amount to $53,375, of which $45,000 is allocated to the issuance and sale of the proposed bonds, $4,975 is allocated to the issuance and sale of said Common Stock, and $3,400 is allocated to the Common Stock to be paid as a dividend. Standard estimates its fees and expenses in the amount of $1,800, including legal fees in the amount of $1,500. Fees and expenses of counsel for the bidders are estimated in the amount of $5,000 for fees and $250 for expenses, which fees and expenses are to be paid by the successful bidder.

Standard and Wisconsin request that the Commission's order be issued as soon as possible and that it become effective forthwith upon issuance. Wisconsin further requests that the ten-day notice period for invitation of bids required by Rule U-50 (b) be shortened to six days.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 50-9864; Filed, Nov. 6, 1950; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15268]

CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS

In re: Debts owing to and scrip owned by Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandschulden. F-28-1781-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandschulden, the last known address of which is Berlin, Germany, is a public corporation, organized under the laws of Germany, and which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, represented by cash held by the aforesaid, The Chase National Bank, as Agent, for payment on coupons, maturing between July 1, 1933 and June 30, 1934, both dates inclusive, detached from and/or appurtenant to the German dollar bond issues set forth in Exhibit A, attached hereto and by reference made a part hereof, under an offer of Conversion Office for German Foreign Debts to holders of such coupons, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmark Certificates of Indebtedness of Conversion Office for German Foreign Debts, in the aggregate amount of approximately 253,075 R. M., said Certificates of Indebtedness having been offered by the said Conversion Office along with the cash fund referred to in subparagraph 2a. above in settlement of coupons, due in the second half of 1933 and the first half of 1934, appurtenant to the German dollar bond issues set forth in Exhibit A, attached hereto and by reference made a part hereof, and being those Certificates of Indebtedness held for said Conversion Office by The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandschulden, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

Free State of Bavaria (Freistaat Bayern), External Loan of 1925, 6½% Serial Gold Bonds.

Free State of Bavaria (Freistaat Bayern), External Twenty-Year 6½% Sinking Fund Gold Bonds due August 1, 1945.

Schleisische Landschaftliche Bank zu Breslau (Bank of Silesian Landowners Association in Breslau), First Mortgage Collateral 6% Sinking Fund Gold Bonds due August 1, 1947.

Brandenburg Electric Power Company (Märkisches Elektrizitatswerk Aktiengesellschaft), First Mortgage Twenty-Five Year Sinking Fund 6% Gold Bonds, External Loan of 1928, due May 1, 1953.

City of Cologne, Germany, Twenty-Five Year 6½% Sinking Fund Gold Bonds, Municipal External Loan of 1925, due March 15, 1950.

Certificates of Participation in Commerz- und Privat-Bank Aktiengesellschaft, Ten-Year 5½% Gold Notes due November 1, 1937.

(Gesfürel) Gesellschaft für elektrische Unternehmungen, 6% Sinking Fund Gold Debentures due June 1, 1953.

Berlin Electric Elevated and Underground Railways Company (Gesellschaft für Elek-

trische Hoch-und Untergrundbahnen in Berlin), Thirty-Year First Mortgage 6½% Sinking Fund Gold Bonds due October 1, 1956.

City of Duisburg, Germany, 7% Serial Gold Bonds of 1925.

Elektrowerke Aktiengesellschaft (Electric Power Corporation), First Mortgage Sinking Fund Gold Bonds 6½% Series due 1950.

Elektrowerke Aktiengesellschaft (Electric Power Corporation), First Mortgage Sinking Fund Gold Bonds 6½% Series due 1953.

German Consolidated Municipal Loan of German Savings Banks and Clearing Association (Deutscher Sparkassen-und Giroverband), Sinking Fund Secured Gold Bonds 6% Series due June 1, 1947.

German Consolidated Municipal Loan of German Savings Banks and Clearing Association (Deutscher Sparkassen-und Giroverband), 7% Sinking Fund Secured Gold Bonds, Series of 1926, due February 1, 1947.

City of Munich, Germany (Landeshauptstadt Munchen), 7% Serial Gold Bonds of 1925.

City of Nuremberg, Germany, External Twenty-Five Year 6% Sinking Fund Gold Bonds due August 1, 1952.

Prussian Electric Company (Preussische Elektrizitäts—Aktiengesellschaft), 6% Sinking Fund Gold Debentures due February 1, 1954.

Silesia Electric Corporation (Elektrizitatswerk Schlesien Aktiengesellschaft), Sinking Fund Mortgage Gold Bonds 6½% Series due 1946.

Stettin Public Utilities Company (Oeffentliche Werkbetriebe der Stadt Stettin G. m. b. H.), First (Closed) Mortgage Sinking Fund 7% Gold Bonds due April 1, 1946.

United Industrial Corporation (VIAG) (Vereinigte Industrie-Unternehmungen Aktiengesellschaft), Hydro-Electric First (Closed) Mortgage 6% Sinking Fund Gold Bonds due December 1, 1945.

State of Wurttemberg, Consolidated Municipal External Loan of 1925 Seven Per Cent. Serial Gold Bonds.

Westphalia United Electric Power Corporation (Vereinigte Elektrizitatswerke Westfalen, G. m. b. H.), First Mortgage 6% Sinking Fund Gold Bonds, Series "A" due January 1, 1953.

United Industrial Corporation (Germany), 6½% Sinking Fund Gold Debentures due November 1, 1941.

Pommerania Electric Company (Germany), Sinking Fund Mortgage Gold Bonds Series due May 1, 1953.

East Prussian Power Company (Germany), First Mortgage Sinking Fund Gold Bonds 6% Series due June 1, 1953.

[F. R. Doc. 50-9895; Filed, Nov. 6, 1950; 8:49 a. m.]

[Vesting Order 15279]

LOYD V. STEERE

In re: Stocks owned by Loyd V. Steere. F-28-24123-D-1; D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Loyd V. Steere, whose last known address is Bellevue Strasse 8, Berlin W9, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Five (5) shares of $10.00 par value common capital stock of United Air Lines, 5959 S. Cicero Avenue, Chicago 38, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered CTF-14683, registered in the name of Loyd V. Steere, together with all declared and unpaid dividends thereon, and

b. Two and one-half (2½) shares of $5.00 par value capital stock of Boeing Airplane Company, 7755 E. Marginal Way, Seattle 14, Washington, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered CTF24307 for two (2) shares and CTF6648 for one-half (½) share registered in the name of Loyd V. Steere, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9896; Filed, Nov. 6, 1950; 8:49 a. m.]

[Vesting Order 15288]

KARL KOBERSTEIN

In re: Safe deposit lease and contents owned by Karl Koberstein. F-28-4-F-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Koberstein, whose last known address is 88 Schulterblatt, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All rights and interests created in Karl Koberstein under and by virtue of a safe deposit box lease agreement by and between Karl Koberstein and the Central Savings Bank in the City of New York, Broadway and 73d Street, New York, New York, relating to safe deposit Box No. 170, Section 14, located in the vaults of said bank, including particularly, but not limited to, the right of access to said safe deposit box, and

b. All property of any nature whatsoever owned by Karl Koberstein in the safe deposit box referred to in subparagraph 2 (a) hereof, and any and all rights of said person evidenced or represented thereby,

subject, however, to any liens of the aforesaid Central Savings Bank in the City of New York, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by Karl Koberstein, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 23, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9897; Filed, Nov. 6, 1950; 8:49 a. m.]

[Vesting Order 15324]

FRAU STABSARZT DR. GRACE FISCHER

In re: Trust under Deed of Frau Stabsarzt Dr. Grace Fischer, dated August 17, 1931, as Grantor and Central United National Bank of Cleveland as Trustee. File F-28-9712-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frau Stabserzt Dr. Grace Fischer, who, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany,

is a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to and arising out of or under that certain trust agreement executed on August 17, 1931 by and between Frau Stabsarzt Dr. Grace Fischer, as Grantor and the Central United National Bank of Cleveland as Trustee, presently being administered by the Central National Bank of Cleveland, Cleveland 1, Ohio, Trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Frau Stabsarzt Dr. Grace Fischer be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 23, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9898; Filed, Nov. 6, 1950; 8:49 a. m.]

[Vesting Order 15353]

WALTER K. POEHLMANN

In re: Trust Agreement dated June 4, 1932 between Walter K. Poehlmann, settlor, and The Trust Company of New Jersey, trustee. File No. F-28-6625 and G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter K. Poehlmann, Rose Poehlmann, Irmgard Poehlmann, Walter Poehlmann, and Leonore Poehlmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Irmgard Poehlmann, of Walter Poehlmann, and of Leonore Poehlmann, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof not heretofore vested by Vesting Orders 11686 and 11842 in and to and arising out of or under that certain trust agreement dated June 4, 1932 by and between Walter K. Poehlmann, settlor, and The Trust Company of New Jersey, trustee, presently being administered by The Trust Company of New Jersey, trustee, 35 Journal Square, Jersey City, New Jersey, and

b. All property in the possession, custody, or control of The Trust Company of New Jersey, 35 Journal Square, Jersey City, New Jersey, as trustee, under that certain trust agreement dated June 4, 1932 by and between Walter K. Poehlmann, settlor, and The Trust Company of New Jersey, trustee, including particularly but not limited to:

(1) Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, together with any and all rights thereunder and thereto, and

(2) The sum of $22,574.20, as of September 27, 1950, together with any and all accruals thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Irmgard Poehlmann, of Walter Poehlmann, and of Leonore Poehlmann, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above subject to all lawful fees and disbursements of The Trust Company of New Jersey as trustee under that certain trust agreement dated June 4, 1932, by and between Walter K. Poehlmann, settlor and The Trust Company of New Jersey, trustee,

All such property so vested shall be held, used, administered liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Description of issue	Face value	Certificate Nos.
St. Louis-San Francisco Ry. Co., Prior Lien, Series A 4% Bond.	1 @ $1,000	11723
New York, Ontario & Western Ry. Co., Refunding Mortgage Gold 4% Bonds.	2 @ $1,000	5794, 5795

[F. R. Doc. 50-9899; Filed, Nov. 6, 1950; 8:49 a. m.]

[Vesting Order 15348]

ANNA K. MUSELIUS

In re: Trust under the Seventh Clause of the Will of Anna K. Muselius, deceased. File No. D-28-2334; E. T. 3112.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jacob Schmahl, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the issue, names unknown, of Jacob Schmahl, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof not heretofore vested by Vesting Order 3810 in and to the trust created under the Seventh Clause of the Will of Anna K. Muselius deceased, and

b. All property in the possession, custody or control of Passaic-Clifton National Bank and Trust Company, as trustee of the trust created under the Seventh Clause of the Will of Anna K. Muselius, deceased, including particularly but not limited to:

(1) Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, together with all declared and unpaid dividends thereon,

(2) Those certain bonds described in Exhibit B, attached hereto and by reference made a part hereof, together with any and all rights thereunder and thereto, and

(3) The sum of $126.80 as of September 20, 1950, together with any and all accruals thereto,

is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Passaic-Clifton National Bank and Trust Company, as trustee of the trust created under the

Seventh Clause of the Will of Anna K. Muselius, deceased, acting under the judicial supervision of the Passaic County Court, Probate Division, Paterson, New Jersey;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the issue, names unknown, of Jacob Schmahl, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 3-a, and 3-b hereof, subject to all lawful fees and disbursements of Passaic-Clifton National Bank and Trust Company as trustee of the trust created under the Seventh Clause of the Will of Anna K. Muselius, deceased, and

All such property so vested shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuer	Place of incorporation	Type of stock	Par value	Certificate Nos.	Number of shares
American Telephone & Telegraph Co., 195 Broadway, New York, N. Y.	New York	Common	$100	PN62251	6
Public Service Electric & Gas Co., 80 Park Pl., Newark 1, N. J.	New Jersey	$1.40 dividend preference common.	No	L037098	22
United States Tobacco Co., 630 5th Ave., New York, N. Y.	do	Common	No	8192	15

EXHIBIT B

Description of issue	Face value	Certificate Nos.
United States Savings Bonds, Series G.	$1,000.00	M127009G
	1,000.00	M651881G
	1,000.00	M651882G
	1,000.00	M1040089G
	500.00	D2508429G
	100.00	C4638459G
	100.00	C4638460G
	100.00	C4638461G
	500.00	D2516313G
	100.00	C5372763G
	100.00	C5372764G
	500.00	D3160347G
United States Treasury, 2½% Bond of 1972/67 (Dec.).	1,000.00	236916F

[F. R. Doc. 50-9900; Filed, Nov. 6, 1950; 8:49 a. m.]

[Vesting Order 15357]

JOSEPH B. STAUDENMAIER

In re: Estate of Joseph B. Staudenmaier, also known as Joseph Staudenmaier, deceased. File No. D-28-12752; E. T. sec. 16929.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johannes Staudenmaier, Anna Staudenmaier, Theresia Schweizer, Emilie Staudenmaier, and Eugenie Schullhamen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the Estate of Joseph B. Staudenmaier, also known as Joseph Staudenmaier, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Charles Cote, as administrator, acting under the judicial supervision of the County Court of Rusk County, Wisconsin;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9903; Filed, Nov. 6, 1950; 8:50 a. m.]

[Vesting Order 15349]

ANNA K. MUSELIUS

In re: Trust under the Sixth Clause of the Will of Anna K. Muselius, deceased. File No. D-28-2334; E. T. 3112.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jacob Schmahl, Carl Schmahl, Jean Schmahl, Christiane Schmahl, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Jacob Schmahl, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof not heretofore vested by Vesting Order 3810 in and to the trust created under the Sixth Clause of the Will of Anna K. Muselius, deceased, and

b. All property in the possession, custody or control of Passaic-Clifton National Bank and Trust Company, as trustee of the trust created under the Sixth Clause of the Will of Anna K. Muselius, deceased, including particularly but not limited to:

(1) Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, together with all declared and unpaid dividends thereon.

(2) Those certain bonds described in Exhibit B, attached hereto and by reference made a part hereof, together with any and all rights thereunder and thereto, and

(3) The sum of $455.49 as of September 20, 1950, together with any and all accruals thereto,

is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Passaic-Clifton National Bank and Trust Company, as trustee of the trust created under the Sixth Clause of the Will of Anna K. Muselius, deceased, acting under the judicial supervision of the Passaic County Court, Probate Division, Paterson, New Jersey;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Jacob Schmahl, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 3-a, and 3-b hereof, subject to all lawful fees and disbursements of Passaic-Clifton National Bank and Trust Company as trustee of the trust created under the Sixth Clause of the Will of Anna K. Muselius, deceased, and

All such property so vested shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuer	Place of incorporation	Type of stock	Par value	Certificate Nos.	Number of shares
American Telephone & Telegraph Co., 195 Broadway, New York, N. Y.	New York	Common	$100	A-303845	35
Public Service Electric & Gas Co., 80 Park Pl., Newark 1, N. J.	New Jersey	$1.40 dividend preference common.	No par	M-19464	100
United States Tobacco Co., 630 5th Ave., New York, N. Y.	do	Common	No par	32565	56

EXHIBIT B

Description of issue	Face value	Certificate Nos.
United States Savings Bonds, Series G.	$1,000.00	M652674G
	1,000.00	M652675G
	1,000.00	M652676G
	1,000.00	M2539020G
	1,000.00	M2501223G
	1,000.00	M2501224G
	100.00	C6635464G
	500.00	D2208431G
	1,000.00	M3267341G
	5,000.00	V861510G
United States Treasury, 2½% Bond of 1972/67 (Dec.).	500.00	28855E
	1,000.00	220922
	1,000.00	220923
	1,000.00	220924
	1,000.00	220925

[F. R. Doc. 50-9901; Filed, Nov. 6, 1950; 8:50 a. m.]

[Vesting Order 15354]

LOUISE KREITLER RICHTER

In re: Estate of Louise Kreitler Richter, deceased. File No. F-28-14202; E. T. sec. No. 17032.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Stulz, Frieda Stulz, Helen Hagendorn, Hermina Seifert and Ruth Seifert, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Louise Kreitler Richter, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John J. Kreitler, as Executor, acting under the judicial supervision of the County Court of Essex County, Probate Division, Newark, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9902; Filed, Nov. 6, 1950; 8:50 a. m.]

[Return Order 785]

IRMINGARD EMMA ANTONIA, RICHTER CROMPTON

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Irmingard Emma Antonia, Richter Crompton, London, England; Claim No. 41262; September 27, 1950 (15 F. R. 6528); $6,704.65 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9904; Filed, Nov. 6, 1950; 8:50 a. m.]

[Return Order 788]

KAZUICHI HASHIMOTO

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Kazuichi Hashimoto, (Hashimoto Company, a sole proprietorship), Los Angeles, Calif.; Claim No. 4494; June 26, 1947 (12 F. R. 4159); $79,696.29 in the Treasury of the United States. All unliquidated assets, including obligations involved in 18 suits now pending in various courts in the State of California.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9905; Filed, Nov. 6, 1950; 8:50 a. m.]

MRS. DOROTHY STAERKER BUSCHFELD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Dorothy Staerker Buschfeld, Washington, D. C.; Claim No. 6865; $714.00 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Dorothy Buschfeld in and to the Estate of George J. Schleicher, deceased.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9906; Filed, Nov. 6, 1950; 8:50 a. m.]

LINA E. ESSLINGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Lina E. Esslinger, Whitestone, Long Island, New York; Claim No. 5168; $5,315.01 in the Treasury of the United States; the following United States Treasury Bonds, presently in the custody of the Safekeeping Department of Federal Reserve Bank of New York: $5,000 Bond No. 8866 of 1965-70, 2½%, dated February 1, 1944, due March 15, 1970 with March 15, 1951 coupon and s. c. a., registered in the name of the Attorney General of the United States, Account No. 28-26783; $500 Series E. Bond No. 413643, issued July 1, 1941, due July 1, 1951, registered in the name of William A. Lange, 11 Anchor Drive, Greenhaven, New Jersey; Payable on Death to Mrs. Lena Esslinger (American citizen), Stuttgart, Arminstrasse 7, Germany; $500 Series G. Bond 2½%, No. 2859020, issued April 1, 1943, and $1,000 Series G Bond 2½%, No. 6349768, issued August 1, 1942, both due 12 years from date of issue, registered in the name of the Attorney General of the United States, Account No. 28-26783, Washington, D. C.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9907; Filed, Nov. 6, 1950; 8:50 a. m.]

EMILY GREG-HOLPER-BEHR

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Emily Greg-Holper-Behr, Scranton, Pennsylvania; Claim No. 5794; $1,101.02 in the Treasury of the United States.

Executed at Washington, D. C., on Oct. 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9908; Filed, Nov. 6, 1950; 8:51 a. m.]

ALBINE GUTETZKY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Albine Gutetzky, a/k/a Albina Gudecka, Vienna, Austria; Claim No. 41131; $2,775.99 in the Treasury of the United States. All right, title and interest of Albina Gutetzky, also known as Albina Gudecka, in and to the estate of Joseph Jarosiewicz, deceased.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9909; Filed, Nov. 6, 1950; 8:51 a. m.]

ELLEN RIDDLE VON STACKELBERG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ellen Riddle von Stackelberg, Bedford Village, N. Y.; Claim No. 5793; $164,359.99 in the Treasury of the United States. Nine (9) United States of America Treasury Bonds of 1951-1955, 3%, dated September 15, 1931 due September 15, 1955, with March 15, 1951 and S. C. A., in custody of the Federal Reserve Bank of New York, New York, serial numbers and amounts indicated as follows:

Bond Nos.:	*Amount*
12005E	$5,000
4853C	1,000
4854D	1,000
189294D	1,000
214842B	1,000
133362B	100
133633C	100
141995E	100
21853C	50

All right, title, interest and claim of Ellen Biddle von Stackelberg in and to the trusts created under the will of Nicholas Biddle, deceased.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9911; Filed, Nov. 6, 1950; 8:51 a. m.]

HERMINE KUBLER HASSENCAMP

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimaint, Claim No., Property, and Location

Hermine Kubler Hassencamp, Akron, Ohio; Claim No. 8805; $57,277.12 in the Treasury of the United States.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9910; Filed, Nov. 6, 1950; 8:57 a. m.]